

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.2994 OF 2023
IN
APPEAL NO.921 OF 2023**

Mohd. Shamshe Alam Mohd.
Badrul-Haq Shaikh
vs.

...Applicant

State of Maharashtra

...Respondent

Mr. S. K. Ali i/b A.A. Siddiqui & Associates for the Applicant.
Mrs. P. P. Shinde APP for the Respondent-State.

CORAM : N. B. SURYAWANSHI, J.

DATED : 18TH OCTOBER 2023

P. C. :

1. This is an application for suspension of sentence and grant of bail during the pendency of Criminal Appeal preferred by applicants challenging the judgment of conviction.

2. Applicant is convicted by Additional Sessions Judge, Greater Bombay for the offence punishable under Sections 376, 511 and 342 of Indian Penal Code in Sessions Case No.666 of 2017, and sentenced to suffer RI for three and half years.

3. Apart from the fact that it is a short term sentence, one more factor needs to be considered in the present matter that the Applicant has married the victim and a child is born out of relations between the Applicant and the victim. In this view of the matter, Applicant deserves to be released on bail. Hence, the following order is passed :-

- (i) Application is allowed.
- (ii) Substantive sentence of imprisonment imposed vide judgment and order dated 18th May 2023, in Sessions Case No.666 of 2017 is suspended during pendency of Appeal.
- (iii) Applicant-Mohd. Shamshe Alam Mohd. Badrul-Haq Shaikh be released on bail on executing P.R. Bond of Rs.10,000/- with one surety in the like amount.
- (iv) Applicant shall report to the trial Court quarterly once in three months on first Monday.

[N. B. SURYAWANSHI, J.]