

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

**INTERIM APPLICATION NO. 3532 OF 2023
IN
CRIMINAL APPEAL NO. 236 OF 2021**

Firoz Nisar Shaikh	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Samlesh N. Gujar, Advocate for the Applicant.

Mrs. M. H. Mhatre, APP for the Respondent-State.

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**CORAM : NITIN B. SURYAWANSHI, J.
DATE : 25th OCTOBER 2023**

PC.:

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 the Additional Sessions Judge, City Civil & Sessions Court, Greater Bombay in Sessions Case No. 289 of 2017 under sections 376 of Indian Penal Code and sentenced to suffer rigorous imprisonment for seven years and to pay fine of Rs.1,000/-.

3. Heard learned Advocate for Applicant and learned APP for Respondent-State.

4. Prima facie it appears from record that C.A. report and medical evidence does not support the allegations of prosecution. Apart from that out of seven years sentence of imprisonment, applicant has already undergone about five years and four months till today. Appeal is not likely to be heard in near future, application therefore, deserves to be allowed. Hence, following order:-

- (i) Interim Application is allowed.
- (ii) Substantive sentence of imprisonment imposed on the applicant vide judgment and order dated 6th February 2020 in Sessions Case No.289 of 2017 is suspended during the pendency of appeal.
- (iii) Applicant-Firoz Nisar Shaikh be released on bail on executing PR bond in the sum of Rs.15,000/- with one surety in the like amount.
- (iv) Applicant shall deposit the fine amount, if not already deposited.
- (v) Applicant shall attend the concerned police station once in three months on first Sunday between 10:00 am to 12:00 noon, until further orders.
- (vi) Learned Advocate for applicant prays for provisional cash bail, as applicant is not in a position to furnish surety.

Applicant be released on provisional cash security of Rs.25,000/- and on executing PR bond of the same amount. Applicant shall furnish surety within eight weeks from his release.

(NITIN B. SURYAWANSHI, J.)