

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1935 OF 2024
(For Suspension of Sentence and bail)
IN
APPEAL NO.483 OF 2024**

Ijagar Kayyum Kureshi ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr Ujwal Agandsurve, for the Applicant.
Mr Swapnil V Walve, APP for the Respondent-State.

CORAM : N. R. BORKAR, J.
DATE : 7th MAY 2024.

PC:-

1. The applicant has filed appeal against the judgment and order dated 3rd April 2024 in Sessions Case No. 205 of 2021, by which the trial court has convicted the applicant for the offence punishable under Section 323 of the Indian Penal Code and sentenced him to pay a fine of Rs.5,000/- and in default to suffer further rigorous imprisonment for six month. He is further convicted for the offence punishable under Section 324 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years.

2. By this application, the applicant has prayed that the substantive sentence be suspended and he be released on bail.

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3. I have heard learned counsel for the applicant and learned APP for the respondent-State.
4. The learned counsel for the applicant submits that the applicant has good case on merits. There is no substantive evidence to connect the applicant with the alleged crime. It is submitted that the applicant has deposited the fine amount.
5. On the other hand, learned APP for the Respondent-State submits that considering the nature of offence for which the applicant has been convicted, the sentence may not be suspended.
6. This Court has admitted the appeal filed by the applicant. The applicant was on bail during trial and he did not misuse the liberty granted to him. Considering the overall facts and circumstances, I am inclined to suspend the sentence and release the applicant on bail.
7. Interim Application is allowed.
8. Till the decision of appeal, the substantive sentence of imprisonment is suspended and the Applicant is released on bail on executing P.R. Bond in the sum of Rs. 15,000/- with one surety in the like amount.
9. Bail be furnished before the trial court.

(N.R. BORKAR, J.)