

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

**INTERIM APPLICATION NO.964 OF 2024
IN
CRIMINAL APPEAL NO.231 OF 2024**

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Mobin Ahemad Din Mohamad Khan ..Applicant
Versus
The State of Maharashtra ..Respondent

Mr. Bhaskar J. Sarwade i/by Aishwarya Dorwekar, for the Applicant.
Mrs. M. R. Tidke, APP for the Respondent/State.

CORAM : KISHORE C. SANT, J.

DATE : 19th APRIL, 2024

PC.

1. Heard learned advocate for the Applicant and learned APP.

2. Applicant is seeking suspension of sentence and release on bail in connection with judgment and sentence awarded by learned Additional Sessions Judge, Court Room No.27, Greater Mumbai dated 2nd January, 2024 in Sessions case No.121 of 2015. Applicant is sentenced to suffer 5 years rigorous imprisonment and to pay fine of Rs.10,000/- for the offence punishable under Section 392 r/w 34 of IPC.

3. The fine amount is already paid, so also, since the sentence is short sentence and as the Appeal is not likely to be heard

in near future, this Court is inclined to allow the Application, in view of judgment in the case of ***Bhagwan Rama Shinde Gosai & Ors. Vs. State of Gujarat*** reported in ***(1999) 4 SCC 421***. Hence, the following order :-

- i) The Application stands allowed.
- ii) The substantive sentence awarded by the learned Additional Sessions Judge, Court Room No.27, Greater Mumbai dated 2nd January, 2024 in Sessions case No.121 of 2015 stands suspended.
- iii) Applicant shall be released on bail on furnishing PR bond and one solvent surety in the sum of Rs.15,000/-.
- iv) Applicant shall attend Ghatkopar Police Station once in three months on first Sunday of the concerned month starting from May, 2024.
- v) Applicant shall furnish residential and other contact details to the concerned Police Station. If there is any change in the contact details, Applicant shall immediately inform the same to the concerned Police Station.
- vi) Applicant shall stay out of the jurisdiction of Ghatkopar Police Station till the Appeal is decided.

4. The Application stands disposed of.

[KISHORE C. SANT, J.]