

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.4555 OF 2023
IN
CRIMINAL APPEAL NO.1189 OF 2023

Alim Yasin Shaikh ..Applicant/Appellant
Versus
The State of Maharashtra ..Respondent

Mr. Vikas Shivarkar, for the Applicant/Appellant.
Mrs. M. R. Tidke, APP for the Respondent/State.

CORAM : KISHORE C. SANT, J.

DATE : 16th FEBRUARY, 2024

PC.

1. Heard learned advocate for the Applicant and learned APP

2. This Application is filed seeking suspension of sentence awarded by the learned Sessions Judge, Pune, *vide* judgment and order dated 31.07.2023 in Sessions Case No.449 of 2017. The Applicant is sentenced to suffer rigorous imprisonment for six years for the offence punishable under Section 307 of the IPC.

3. Learned advocate submits that there are no criminal antecedents. Applicant was on bail during trial. There is no complaint of misuse of the bail. He has already paid the fine

amount. There is no one to look after the family members, so also, Appeal is not likely to be heard in near future. He is ready to abide by the condition including not to reside within the jurisdiction of the Shirur Police Station.

4. Learned APP opposes the Application stating that the offence is serious offence. Applicant had intention to commit murder of the victim. Had he been successful in attempt, he would have committed murder of the victim.

5. Considering that the sentence is short sentence and in view of judgment in the case of ***Bhagwan Rama Shinde Gosai & Ors. Vs. State of Gujarat*** reported in ***(1999) 4 SCC 421***, this Court finds that a case is made out to allow the Application. Hence, the following order :-

- i) The substantive sentence awarded by the learned Sessions Judge, Pune in Sessions Case No.449 of 2017 for the offence punishable under Section 307 of the IPC stands suspended.
- ii) Applicant shall be released on bail on furnishing PR bond with one surety in the sum of Rs.25,000/-.
- iii) Applicant shall not enter jurisdiction of Shirur city, except for attending Police Station.
- iv) Applicant shall report the concerned Police Station on every 1st and 3rd Saturday at 11:00 a.m.

- v) Applicant shall give his address and other contact details including mobile number etc. to the concerned Police Station. Applicant shall inform, in case, there is any change in the above contact details.
 - vi) Applicant shall not try to contact Respondent No.2 or witnesses. In case there is breach of any of the conditions, bail shall be liable to be cancelled.
6. With this, the Application stands disposed of.

[KISHORE C. SANT, J.]