

S.S.Kilaje

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 4695 OF 2025

IN

CRIMINAL APPEAL NO. 1257 OF 2025

Mohammad Arif Dakhave

... Applicant

Versus

The State of Maharashtra

... Respondent

Mr. Satish Muley a/w. Mr. Mosin Naik and Mr. Zoheib Sayyed, Advocates
for the Applicant.

Mr. P. P. Jadhav, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 28th JANUARY, 2026.

P.C. :

1. By this application, the applicant is seeking suspension of sentence and grant of bail.

2. It is contention of learned counsel for the applicant that applicant has been convicted under Section 304-A of Indian Penal Code, 1860 (for short "IPC") and Section 33 of the Maharashtra Medical Practitioner Act, 1961 and sentenced to suffer rigorous imprisonment for 2 years and pay fine of Rs.1,00,000/- and in default to undergo rigorous imprisonment for six months. Leaned counsel for the applicant further submits that applicant has deposited the fine amount. During the trial he was on bail, hence requested to allow the application.

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3. Learned APP strongly objected to allow the application on the ground if applicant's sentence is suspended he may abscond, hence requested to reject the application.

4. I have heard all learned counsel. Perused impugned Judgment and order. The sentence imposed on the applicant is a short term sentence. During trial applicant was on bail. He has not misused the liberty. The applicant has deposited the fine amount. It may take time to conclude the trial and I pass following order.

ORDER

- i. The substantive sentence imposed on the applicant in Sessions Case No. 323 of 2019 is suspended till disposal of the appeal.
 - ii. The applicant be enlarged on bail on furnishing P.R.Bond in the sum of Rs. 25,000/- with one or two surety in the like amount.
 - iii. The bail bond to be furnished before the Trial Court.
5. Interim application stands disposed of.

(SHIVKUMAR DIGE, J.)