

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO.720 OF 2020  
(@ out of SLP (CrI.) No. 4346/2020)

FARUKH GAFFAR SHAIKH

Appellant

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

O R D E R

Leave granted.

This appeal challenges the order dated 18.08.2020 passed by the High Court of Judicature at Bombay in CRA No.LD/VC/OCR/243/2020 in Criminal Appeal No.1484 of 2018.

In Sessions Case No.728 of 2017 on the file of the Additional Sessions Judge, Pune, the appellant stands convicted for the offences punishable under Section 307/201 IPC, 37(1), 135 of the Bombay Police Act, 1951 and Section 25/3 of the Arms Act, 1959 and sentenced for terms, the maximum being seven years.

The appellant has preferred Criminal Appeal No.1484 of 2018 challenging his conviction and sentence which is still pending consideration by the High Court.

During the pendency of the appeal, an application under Section 389 of the Code of Criminal Procedure was moved on behalf of the appellant, the rejection of which is

presently under challenge.

It is a matter of record that the appellant has actually undergone sentence for more than three years and 9 months.

Considering the entirety of the material on record including the extent of imprisonment actually undergone by the appellant, in our view, the appellant is entitled to the benefit under Section 389 of the Code.

We, therefore, allow this appeal and set aside the order passed on 18.08.2020 by the High Court and direct that pending consideration of the aforesaid Criminal Appeal No.1484 of 2018, the appellant shall be released on bail subject to such condition as the Trial Court may deem appropriate to impose. In order to facilitate the exercise, the appellant shall be produced before the Trial Court within three days from today.

The appeal is allowed in aforesaid terms..

.....J.  
(UDAY UMESH LALIT)

.....J.  
(VINEET SARAN)

.....J.  
(S. RAVINDRA BHAT)

New Delhi,  
November 02, 2020.

ITEM NO.20                      Court 4 (Video Conferencing)                      SECTION II-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).4346/2020

(Arising out of impugned final judgment and order dated 18-08-2020 in Crl.B.A. NO.LD/VC/OCR 243 of 2020 in Crl. A. No.1484/2018 passed by the High Court of Judicature At Bombay)

FARUKH GAFFAR SHAIKH

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

(FOR ADMISSION and I.R. and IA No.91042/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.91043/2020-EXEMPTION FROM FILING O.T. )

Date : 02-11-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE VINEET SARAN  
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s)      Mr. Chetan Lokur, Adv.  
                                 Mr. Nitish Chaudhary, Adv.  
                                 Mr. Siddharth Mittal, AOR

For Respondent(s)      Mr. Sachin Patil, Adv.  
                                 Mr. Rahul Chitnis, Adv.  
                                 Mr. Geo Joseph, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)  
COURT MASTER (SH)

(BEENA JOLLY)  
COURT MASTER (NSH)

(SIGNED ORDER IS PLACED ON THE FILE)