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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.409 OF 2015
IN
CRIMINAL APPEAL NO.1389 OF 2011

1. Anwar Abdul Aziz Pathan
2. Firoz Anwar Abdul Aziz Pathan ... Applicants.
V/s.
The State of Maharashtra Respondent

ALONGWITH
CRIMINAL APPEAL NO.248 OF 2011

Algu Muttu Shankar Pandiyan ... Appellant.
V/s.
The State of Maharashtra Respondent

ALONGWITH
CRIMINAL APPEAL NO.1390 OF 2011

Inden @ Mohiddin Sayyed Ali Shaikh ... Appellant.
V/s.
The State of Maharashtra Respondent

ALONGWITH
CRIMINAL APPLICATION NO.520 OF 2012
IN
CRIMINAL APPEAL NO.1389 OF 2011

Anwar Abdul Aziz Pathan ... Applicant.
V/s.
The State of Maharashtra Respondent

Mr. N. N. Gawankar a/w Mr. Manas N. Gawankar, i/by Sharon Patole, for Applicants.

Mrs. Sangeeta D. Shinde, A.P.P., for the Respondent-State.

CORAM : P.V.HARDAS &
DR. SHALINI PHANSALKAR-JOSHI, JJ.

DATE : 27TH MARCH, 2015.

P.C. :

1. By this application, the applicants/appellants in Criminal Appeal No.1389 of 2011 seek suspension of substantive sentence of imprisonment and their enlargement on bail pending the decision of this appeal.

2.2 By this application, the applicants have prayed that they be released on bail for a period of four weeks in order to attend the last religious rites in respect of death of their father. We are informed by the learned counsel for the applicants that the applicants have been granted death parole on account of sudden demise of their father.

2. According to learned APP, the applicants have undergone about 13½ years of imprisonment and earlier the applicants had also been released on parole and furlough and there are no complaints of applicants overstaying or committing breach of conditions on their release.

3. In that light of the matter, therefore, we are inclined to allow the present application. The substantive sentence of imprisonment of the applicants shall be suspended for a period of four weeks and the applicants be released on bail of each of the applicants executing P.R. bonds in the sum of Rs.25,000/- with one or two solvent sureties in the

like amount to the satisfaction of the trial Court.

3. We grant time to the applicants till 31st March, 2015 for executing P.R.Bonds as well as for furnishing solvent sureties. We further direct the applicants to attend Ambarnath Police Station once in three days between 8.00 a.m. to 9.00 a.m. during the period the applicants are on bail.

4. The application is allowed on the terms indicated above.

5. The parties to act on the authenticated copy of this order.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[P.V.HARDAS, J.]