

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1184 OF 2016

WITH

CRIMINAL APPLICATION NO.1185 OF 2016

IN

CRIMINAL APPEAL NO.637 OF 2016

Yasir Dawood Khan

)...Applicant

v/s.

State of Maharashtra

)...Respondent

Mr. P.H.Israni, Advocate for the Applicant.

Mr. A.R.Kapadnis, APP for the Respondent - State.

CORAM : P N. DESHMUKH, J.

DATE : 18th OCTOBER 2016.

P.C. :

Heard learned counsel for applicant and learned APP.

2 Both these applications are for suspension of sentence imposed upon applicant and for grant of bail. Learned counsel for applicant has submitted that applicant is convicted by Special Court for various offences under I.P.C. read with Section 120-B of IPC and highest punishment imposed is of two years and has submitted that there are no criminal antecedents against applicant and fine amount is paid by

applicant. It is, therefore, prayed that pending appeal, substantive sentence imposed upon applicant be suspended releasing him on bail on imposing suitable conditions.

3 Record reveals that applicant came to be tried along with 13 other accused out of which 11 came to be acquitted of all the offences. Applicant along with Accused No.13 Ramesh is convicted for the offence punishable under Sections 419, 420, 467, 468, 471 read with Section 120-B of I.P.C. He is sentenced to suffer R.I. for one year and to pay fine of Rs.500/- in default to suffer S.I. for one month for offence punishable under Section 120-B of I.P.C.. Under Section 419 read with Section 120-B of I.P.C., he was sentenced to suffer R.I. for one year and to pay a fine of Rs.500/- in default to suffer S.I. for one month. Under Section 420 read with Section 120-B of I.P.C., he was sentenced to suffer R.I. for two years and to pay fine of Rs.5000/- in default to suffer S.I. for three months. Under Section 467 read with Section 120-B of I.P.C., he was sentenced to suffer R.I. For 2 years and to pay fine of Rs.5,000/- in default to suffer S.I. for three months. Under Section 468 read with Section 120-B of I.P.C., he was sentenced to suffer R.I. for two years and to pay fine of Rs.5,000/- in default to suffer S.I. for three months. Under Section 471 read with Section 120-B

of IPC., he was sentenced to suffer R.I. for two years and to pay fine of Rs.5,000/- in default to suffer S.I. for three months. All the sentences are directed to run concurrently.

4 Considering the fact that applicant was on bail pending trial and as it is not the case of prosecution that applicant misused the liberty granted to him and as from the money receipt tendered on record, it is found that total fine amount to the extent of Rs.21,000/- is paid, application is liable to be allowed as the maximum sentence imposed upon applicant is of two years. Hence, the following order:

(1) Applicant shall be released on bail on his executing P.R. Bond in the sum of Rs.20,000/- with one surety in the like amount.

(2) While on bail, applicant shall mark his presence with ACB, CBI, Bombay once in three months on the first day of such month, pending appeal.

(3) Applicant shall not leave jurisdiction of this Court without prior permission of this Court.

(4) Applicant shall provide proof of his residence to the Investigating Officer and change in address in future, if any, to the concerned police station.

5 Applications stand disposed of as allowed.

(P. N. DESHMUKH, J.)