

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 1244 OF 2015
IN
CRIMINAL APPEAL NO. 980 OF 2015**

Sanjit Krishna Shetty	Applicant
Versus	
The State of Maharashtra	Respondent

Mr. Prajot Shrivastav with Rahul Arote for the applicant.
Mr. H.J. Dedhia, APP for the Respondent/State.

***CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 31st OCTOBER, 2017***

P.C. :

1. The applicant herein was an accused no.1 in MCOC Special Case No. 2 of 2010 and MCOC Special Case No. 7 of 2010 on the file of Special Judge under MCOC Act, 1999 for Greater Bombay. By judgment dated 23rd September, 2015, the applicant herein was convicted for offences punishable under Section 3(1)(ii) of the MCOC Act, 1999, Section 307 of the Indian Penal Code besides other sections under Indian Penal Code and Arms Act. He has been sentenced to undergo maximum sentence of ten years in respect of offence under Section 3(1)(ii) of the MCOC Act, 1999. The applicant herein has sought suspension of execution of sentence and to enlarge him on bail.

2. The learned counsel for the applicant submits that the co-accused who was also convicted for offence under Section 3(2) of the MCOC Act and sentenced to suffer rigorous imprisonment for ten years and to pay fine of Rs. 5 lacs in default to suffer further rigorous imprisonment for three years, has been released on bail by the Apex Court. The learned counsel for the applicant has placed on record copy of the judgment dated 03rd October, 2017 in Criminal Appeal No. 174 of 2017. Considering the fact that the applicant herein has also undergone sentence of eight years and also considering the fact that the co-accused has already been released on bail, in my considered view, the applicant is also entitled for bail pending appeal. Hence, the order :-

(I) The Criminal Application No. 1244 of 2015 is allowed.

(II) The execution of substantive sentence imposed in MCOC Special Case No. 2 of 2010 and MCOC Special Case No. 7 of 2010 vide judgment dated 23rd September, 2015 is suspended till the disposal of the appeal on merits, subject to the applicant furnishing fresh bail bonds of Rs.25,000/- with one or two solvent sureties in the like amount, to the satisfaction of Special Judge under MCOC Act, 1999 for Greater Bombay.

(III) The applicant shall furnish his permanent as well as temporary address, if any, and his contact number and shall intimate change of

address and contact number, if any, to the investigating officer, as well as to the concerned Court.

3. The applicant may be released on bail if he is not required in any other case.

(SMT. ANUJA PRABHUDESSAI, J.)