

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

**CRIMINAL APPLICATION NO.41 OF 2018
IN
CRI. REVISION APPLICATION NO.602 OF 2016**

Abdul Rashid @ Alamgir Mangnu
Khan & Ors.

.. Applicants

Vs.

The State of Maharashtra

.. Respondent

.....
Mr.Bhavesh Thakur, Advocate for the Applicants.
Ms.R.M. Gadhvi, APP for the Respondent – State.
.....

CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 24, 2018.

P.C. :

Applicants had preferred Criminal Revision Application No.602 of 2016, challenging the judgment and order of conviction. The Revision Application has been admitted and pending for final hearing. Applicants had preferred an application for suspension of sentence before this Court viz. Criminal Application No.607 of 2016. By order dated 27th October, 2016, the applicants were released on bail on their executing personal bond of Rs.15,000/- each with one surety each in the like amount.

2 Learned advocate for the applicants submits that inadvertently, the order dated 27th October, 2016 has not been complied. It is submitted that there was a communication gap and the applicants were under the impression that the same bail furnished before the trial Court had been continued while suspending the sentence. It is further submitted that the conditions stipulated in Clauses (i) to (iii) of paragraph no.5 are not complied for the aforesaid reasons. The applicants came to know about the nature of order when the police visited his residence on account of non-compliance of the order dated 27th October, 2016. The applicants therefore preferred this application seeking permission to allow the applicants to furnish bail bond in accordance with order dated 27th October, 2016. It is further submitted that the applicants would also abide by the other conditions stipulated in the said order.

3 Learned APP submitted that the order was passed on 27th October, 2016 and for more than a year, the applicants - accused have not complied with the said order.

4 It is apparent that the applicants have not executed bail bond inadvertently. The applicants were on bail during the trial and also during the pendency of the appeal.

5 Considering the circumstances, the relief sought by the applicants in this application can be allowed.

6 Hence, I pass the following order:

:: ORDER ::

- (i) The applicants are permitted to furnish personal bond in the sum of Rs.15,000/-, each with one surety each in the like amount, as directed in accordance with order dated 27th October, 2018;
- (ii) The applicants shall abide by the other conditions stated in order dated 27th October, 2016;
- (iii) Criminal Application stands disposed of.

(PRAKASH D. NAIK, J.)