

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 1329 OF 2017****IN****CRIMINAL APPEAL NO. 143 OF 2016**

Monis Abdul Shakur Ansari

....Applicant.

Vs.

The State of Maharashtra & Anr.

....Respondents.

Ms. Anjali Patil a/w Mr. Arun Rajput for the Applicant.

Mr. V.V. Gangurde, APP for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 27th APRIL, 2018.****P.C.:-**

This is second Application for releasing the Applicant on bail. The earlier Application bearing No. 235 of 2016 was disposed off as withdrawn with liberty to file a fresh Application for bail, if the Criminal Appeal No. 143 of 2016 is not taken up for final hearing from today, by this Court.

2 The Applicant has been convicted under Sections 363, 366A, 376 r/w Section 511 of the Indian Penal Code and is sentenced to suffer maximum rigorous imprisonment for six years and to pay a fine of Rs.14,000/- in default of payment of fine to further undergo simple imprisonment for six months, by the learned Additional

Sessions Judge-1, Thane, in Sessions Case No.180 of 2010, by its Judgment and Order dated 27th January, 2016.

3 The learned counsel for the Applicant submitted that, the Applicant has deposited the fine amount of Rs.14,000/- in the Registry of the Trial Court. She further submitted that, the Applicant has already undergone 3 years of actual imprisonment as of today.

4 As the Applicant has already undergone three years of actual imprisonment out of six years of maximum sentence imposed upon him and the possibility of Appeal being heard on merits in near future is remote, I am inclined to suspend the substantive sentence and release the Applicant on bail. Hence the following order-

- a) During the pendency of the Appeal, the substantive sentence imposed upon the Applicant is suspended and the Applicant is released on bail in Sessions Case No.180 of 2010, on his furnishing PR bond of Rs.25,000/- (Rupees Twenty Five Thousand only), with one or two solvent local sureties in the like amount.
- b) During the pendency of the Appeal, the Applicant shall attend and mark his presence before the Trial

Court on every first Monday of the month between 11.00 a.m. to 2.00 p.m.. If the said first Monday is a Court holiday/Public holiday, the Applicant shall mark his presence on the immediate next day.

5 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)