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

**CRIMINAL APPLN. NO.1680 OF 2017
IN
CRIMINAL APPLN. NO. 248 OF 2018**

Mohammad Bichhu Mohammad Usman Khan **..Applicant**

Vs

The State of Maharashtra **..Respondent**

**WITH
CRIMINAL APPLN. NO. 101 OF 2018
IN
CRIMINAL APPEAL NO. 38 OF 2018**

Pradeep Namdev Alonkar **..Applicant**

Vs

The State of Maharashtra **..Respondent**

Mr. Paras Yadav for applicant in APPA No.1680 of 2017.

Mr. B.V. Holambe Patil for applicant in APPA No. 101 of 2018.

Mr. A.R. Kapadnis, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 2nd MAY 2018.

P.C.:

1] These applications are for suspension of sentence and releasing the applicants on bail.

2] The applicant in Criminal Application No.1680 of 2017 is accused No.3 and the applicant in Criminal Application No.101 of 2018 is

accused No.2 in Sessions Case No.272 of 2013.

The applicants have been convicted under Section 395 of the Indian Penal Code and are sentenced to suffer rigorous imprisonment for seven years and to pay fine of Rs.2,000/- each, in default of payment of fine to further undergo simple imprisonment of one month by the learned Additional Sessions Judge, Pune in Sessions Case No.2723 of 2013 by its Judgment and Order dated 23.08.2017.

3] Heard the learned Counsel for the applicants. Perused the record.

The learned Counsel for the applicants submitted that the applicants have paid the fine amount in the Registry of the Trial Court. They submitted that the applicants were on bail during the pendency of trial. As of today the applicants have undergone the actual imprisonment of about 18 months out of total imprisonment of seven years and as the possibility of appeal being heard on its own merits in near future is remote, I am inclined to release the applicants on bail.

Hence the following order-

- a) During the pendency of the appeal, the substantive sentence imposed upon the applicants are hereby

suspended.

- b) During the pendency of the Appeal, the Applicants be released on bail on their furnishing PR bond of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one or two solvent local sureties in the like amount.
- c) During the pendency of the Appeal, the Applicants shall attend and mark their 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 Monday come on a holiday or non-Court working day, they shall attend the Court on the immediate next working day.

4] Both Applications are allowed in the aforesaid terms.

All the concerned to act on an authenticated copy of this Order.

(A.S.GADKARI, J.)