

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

**CRIMINAL APPLICATION NO. 27 OF 2019
IN
CRIMINAL REVISION APPLICATION No. 22 OF 2019**

Mohd. Yunus Yusuf Memon & Ors. ...Applicants

Versus

The State of Maharashtra & Anr. ...Respondents

Mr.Niranjan Mundargi I/b. Mr.Veerdhawal Deshmukh for the Applicants.
Mr.A.R.Patil, APP for Respondent No.1- State.
Mr.Kunal Waghmare for Respondent No.2-MCGM.

**CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 22 FEBRUARY 2019**

P.C.:

1. This Criminal Application is moved by the applicants/accused for suspension of sentence and bail. The applicants/accused are convicted under section 52 (1) (d) read with 43 of the M.R.T.P.Act by order dated 12th August, 2015 passed by the learned Metropolitan Magistrate, 41st Court, Shindewadi, Dadar, Mumbai and are sentenced to suffer S.I. for 6 months and to pay a fine of Rs.5,000/- each, in default to suffer S.I. for 10 days in Case No. 4100007/PW/2012. The said order was challenged in Criminal Appeal No. 817 of 2015. The said Appeal was dismissed by judgment and

order dated 17th December, 2018 passed by the learned Additional Sessions Judge, City Civil & Sessions Court, Gr. Bombay and the order of conviction passed by the learned Magistrate was confirmed. Hence, this Application.

2. The learned counsel for the applicants/accused submits that the offence is bailable. The applicants/accused were on bail throughout the trial and appeal. He further submits that the non-bailable warrants are issued against the applicants/accused. The applicants/accused have deposited an amount of Rs. 15,000/- towards fine and annexed receipt of it. Hence, he prays that the sentence be suspended and the bail be granted to the applicants/accused.

3. The learned APP submits to the orders passed by this Court.

4. Heard. In view of the submissions made by the learned counsel and considering the nature of the offence, the application is allowed on the following terms:

- i) The impugned sentence is suspended pending revision application;

- ii) The applicants/accused shall be released on bail upon furnishing P.R.Bond in the sum of Rs.15,000/- each with one or two sureties in the like amount;
 - iii) The applicants/accused shall not jump the bail;
 - iv) The applicants/accused shall remain present at the time of hearing of Revision Application.
5. Criminal Application is disposed of on above terms.
6. Parties to act upon an authenticated copy of this order.

(MRIDULA BHATKAR, J.)