

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

**CRIMINAL APPLICATION NO.591 OF 2019
IN
CRIMINAL APPEAL NO. 136 OF 2019**

Vijay Vasant Kedare ... Applicant/Appellant
Vs
The State of Maharashtra ... Respondent

...
Mr.Tapan Thate a/w. Mr.Ateet Mhambrey, Mr.Sagar Tambe for the
applicant.
Mr.Dilip Mishra, Special P.P. for the respondent-State.
...

CORAM : DAMA SESHADRI NAIDU, J.

DATE : 18th JULY 2019.

P.C. :

The applicant is accused no.3 in MCOC Special Case No. 5/2013 for the alleged offences under Sections 120(b), 387, 506(2), 307, r/w 109 of Indian Penal Code, 1860; and under Section 3(1)(i), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act, 199. Upon trial, the Additional Sessions Judge & Special Judge under MCOC Act, Mumbai, through its Judgment, dated 18th January 2019, convicted all the accused including the applicant to undergo 10 years rigorous imprisonment and to pay cumulatively a fine of Rs.10.20 lakhs.

2. As the record reveals, the applicant was initially arrested on 18th November 2012 and continued to be in judicial custody during the trial. Now, as the Judgment was delivered on 18th January 2019, the applicant continued to be in jail, serving sentence.

3. Heard the learned counsel Shri Tapan Thate for the applicants and Shri Mishra, the learned Special P.P. for the respondent-State.

4. The record reveals that of the 10 years' sentence, the applicant has already served about 7 years—more than 50%. And it is unlikely for the Court to hear the appeal immediately.

5. Under these circumstances, it serves the interest of justice if the sentence is suspended and the applicant enlarged on bail. I order accordingly subject to these conditions:

:: ORDER ::

- (i) Criminal Application is allowed.
- (ii) Substantive sentence imposed on the applicant/accused is suspended and he is directed to be released on bail on his executing P.R. Bond for Rs.30,000/- and his furnishing two sureties for similar amount by each.
- (iii) The applicant/accused should not contact the first informant or

the victim's family, or any witness, in any manner, pending this appeal.

- (iv) The applicants' failure to abide by these conditions will entail the prosecution to apply for cancellation of bail.
- (v) As the applicant pleads his poverty to pay in full the fine amount imposed by the trial Court, this Court allows applicant to deposit 50% fine amount in two months after this order is uploaded.
- (vi) Criminal Application is, accordingly, disposed of.

(DAMA SESHADRI NAIDU, J.)