

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

**CRIMINAL APPEAL NO.582 OF 2019
ALONGWITH
CRIMINAL APPLICATION NO. 593 OF 2019
ALONGWITH
CRIMINAL APPLICATION NO.595 OF 2019**

Husain Ahmad Khopatkar Appellant

Vs.

The State of Maharashtra & Anr. Respondents

Mr. Arjun Suryakant Kode for the Appellant

Mr. S.R. Agarkar, APP for State.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 11th April 2019

P.C.:

1 Heard the respective counsel.

2 Appeal admit.

(Smt. Sadhana S. Jadhav, J)

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

**CRIMINAL APPLICATION NO.595 OF 2019
ALONGWITH
CRIMINAL APPLICATION NO.593 OF 2019
IN
CRIMINAL APPEAL NO.582 OF 2019**

Husain Ahmad Khopatkar Applicant

Vs.

The State of Maharashtra & Anr. Respondents

Mr. Arjun Suryakant Kode for the applicant

Mr. S.R. Agarkar, APP for State.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 11th April 2019

P.C.:

1 Heard the respective counsel.

2 The Criminal Application No.595 of 2019 is filed under Section 389 Code of Criminal Procedure seeking suspension of substantive sentence imposed upon the applicant vide judgment and order dated 16th February 2019 by the Special Court, Mangaon, District Raigad. The sentence imposed upon the applicant is a short

term sentence. The applicant has deposited the fine amount. It is submitted that the applicant was on bail during pendency of the trial and has not committed breach of any conditions imposed upon him.

3 The applicant was taken into custody on 16th February 2019 as he could not deposit the fine amount. As on today, the fine amount has been paid. Hence, the application deserves to be allowed. Hence, the following order :

ORDER

- i) The Criminal Application No. 595 of 2019 is allowed and disposed of.
- ii) The substantive sentence imposed upon the applicant vide judgment and order dated 16th February 2019 by the Special Court, Mangaon, Raigad is hereby suspended.
- iii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.15,000/- and one or more sureties in the like amount.
- iv) The applicant shall furnish his residential address, cell-phone and other details to the investigating officer.
- v) The applicant shall mark his presence before the Special Judge, Mangaon, Raigad once in six months on the date assigned by the Special Judge.

vi) Upon failure to attend any two consecutive dates, the Special Court shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

vii) The applicant shall not reside in village Tala till 31st July 2019.

viii) In view of disposal of Criminal Application No.595 of 2019, the Criminal Application No.593 of 2019 for bail does not survive, the same is accordingly disposed of.

(*Smt. Sadhana S. Jadhav, J*)