

Vidya Amin.

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

**CRIMINAL APPLICATION NO. 683 OF 2019
IN
CRIMINAL APPEAL (St.) NO. 616 OF 2019**

Umar Jebuddin Khan ... Applicant
vs.
The State of Maharashtra & Anr. ... Respondents

Mr. Anish A. Desai, Advocate for the applicant.
Mr. N.B. Patil, APP for the respondent/State.

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: 3rd May, 2019**

P.C. :

Upon mentioning, taken on production board.

2. In this Appeal, this Application is moved by the applicant/accused no. 3 for suspension of sentence and for bail. By the judgment and order dated 17th November, 2018 passed by the learned District Judge-2, Additional Sessions Judge, Kalyan, the applicant/accused is convicted for the offences punishable under section 354 r/w. 109 of the Indian Penal Code and under section 3(3) punishable under section 3(2) of the Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman Evil and Aghori Practices and Black Magic Act, 2013 and is sentenced to suffer R.I. for 5 years with fine and in default, to

suffer rigorous imprisonment for one month.

3. The learned counsel for the applicant submitted that the applicant/accused is taken in custody on the date of judgment , i.e., on 17th November, 2018. He submitted that the applicant/accused was on bail throughout the trial. He submitted that the applicant/accused has good case on merits.

4. Learned Prosecutor is present and submits to the orders of the Court.

5. In view of the submissions of the learned Counsel for the applicant and also as there is no chance that the Appeal will be heard in near future, the Applications are allowed on the following terms:

- i) The applicant/accused shall be released on bail upon furnishing a P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- (ii) The sentence is suspended, pending the Criminal Appeal;
- iii) The applicant/accused shall not indulge into any activities which are prohibited under Maharashtra Prevention

and Eradication of Human Sacrifice and Other Inhuman Evil and Aghori Practices and Black Magic Act, 2013 and if he indulges into any activity, then it will be a ground for cancellation of bail.

6. Criminal Application stands disposed of accordingly.

(MRIDULA BHATKAR, J.)