

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

**CRIMINAL APPLICATION NO. 37 OF 2017
WITH
CRIMINAL APPLICATION NO. 596 OF 2018
IN
CRIMINAL REVISION APPLICATION NO. 39 OF 2017**

1. Mohd. Hanif Jindawali Qureshi &		
2. Mohd. Aslam Abbas Qureshi	...	Applicants
V/s.		
The State of Maharashtra	...	Respondent

MsHeena Musthaq i/b. Mr.Arif Siddiqui for Applicants.
Mr.R.M. Pethe, APP for Respondent-State.
PSI Kangne, Nehru Nagar Police Station.

CORAM : A.S. GADKARI, J.

DATE : 26th July 2019.

P.C. :

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

2] The applicants are convicted under Section 52 read with 43 of the Maharashtra Regional and Town Planning Act, 1966 and

sentenced to suffer simple imprisonment for one year each and to pay fine of Rs.5,000/- each, in default of payment of fine to further suffer simple imprisonment for 15 days each, by the learned Metropolitan Magistrate, 42nd Court, Dadar, Mumbai, by its Judgment and Order dated 29th September 2015 passed in C.C. No. 4200067/PW/2012.

The Criminal Appeal No. 926 of 2015 preferred by the applicants has been dismissed by the learned Additional Sessions Judge, Greater Mumbai, by its Judgment and Order dated 7th October 2016.

3] As the maximum sentence imposed upon the applicants is one year of simple imprisonment and the possibility of hearing the Revision Application on its own merits in near future is remote, I am inclined to suspend the substantive sentence imposed upon the applicants and to release them on bail.

4] Hence, following order :

During the pendency of the present Revision Application, the substantive sentence imposed upon the applicants is hereby suspended and the applicants are released on bail on following terms and conditions.

- (a) The applicants be released on bail on their furnishing PR Bond of Rs.10,000/- each, with one or two local sureties in the like amount, subject to deposit of fine amount, if not deposited earlier.*
- (b) The procedure for bail be completed before the trial Court i.e. Metropolitan Magistrate, 42nd Court, Dadar, Mumbai.*
- (c) After their release from jail, the applicants shall attend the trial Court on every first Monday of every third month between 11.00 am to 2.00 pm and mark their presence. If the said Monday comes on a holiday or non Court working day, the applicants shall mark their presence immediately on the next working day.*
- (d) It is made clear that, the applicants will have to deposit fine amount, if not deposited earlier, before their actual release from jail.*

5] Both the Applications are allowed in the aforesaid terms.

6] All the concerned to act on the basis of the authenticated copy of this order.

[A.S. GADKARI, J.]