

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1081 OF 2019****IN****CRIMINAL APPEAL NO. 1505 OF 2019**

Suresh Bhikamchand Jain

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Aabad Ponda, Sr. Advocate a/w Mr. Subhash Jadhav, Mr. Chandansingh Shekhawat a/w Mr. Amit Patil i/by Parinam Law Associates, Advocate for Applicant.

Mr. Shishir Hiray Spl. PP a/w Mr. Ankur Pahade & Mr. Anshuman R. Asane, Sanjay Kokane a/w Ms. M. H. Mhatre, APP for Respondent-State.

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**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 30th NOVEMBER, 2022.

PC.:-

. By an Order dated 20th November, 2019, the substantive sentence imposed upon the Applicant was suspended and the Applicant was directed to be released on temporary bail for a stipulated period.

2. In para 7 of the said Order, it is specifically observed that, on the date of passing of the said order i.e. 20th November, 2019, the Applicant had already undergone more than 50% of his substantive sentence. The maximum sentence imposed upon the Applicant is 7 years and as per the submission of learned Advocate for the Applicant, he has undergone approximately 4 and ½ years of sentence either as under trial prisoner or

subsequent to passing of the impugned Judgment and Order.

3. Taking into consideration the pendency of Appeals and in particular the fact that, we are presently taking Appeals against conviction wherein the Accused persons have already undergone sentence of more than 7 years, it will not be possible for this Court to take up the present Appeal for final hearing immediately. The said order dated 20th November 2019 granting temporary bail to the Applicant has been subsequently extended from time to time and as of today, there is no report of commission of breach of any of the conditions by the Applicant.

4. In view of the above, during the pendency of present Appeal, we confirm the bail granted to the Applicant by Order dated 20th November, 2019.

5. The condition mentioned in clause (i) of operative part of Order dated 20th November 2019 directing the Applicant to stay in Mumbai is hereby waived and the Applicant is permitted to reside in the City of Jalgaon.

6. The Applicant is directed to furnish his present Mobile and Landline number along with his address, where he intends to reside at Jalgaon.

7. Application is allowed in the aforesaid terms.

(PRAKASH D. NAIK, J.)

(A. S. GADKARI, J.)