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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3278 OF 2023
IN
CRIMINAL APPEAL NO.1169 OF 2023

Vijay Alias Vijya Bibhishan Kale

.... Applicant /
Appellant

Versus

State of Maharashtra

.... Respondent

.....

Mr. Nikhil D. Patil for the Applicant / Appellant.

Mr. A. R. Patil, Addl. P.P. for the Respondent – State.

.....

CORAM : NITIN B. SURYAWANSHI, J

DATED : 8 November 2023

P.C. :

1. This is an application for suspension of sentence and grant of bail during the pendency of the Criminal Appeal preferred by the Applicant challenging the judgment and conviction.

2. Applicant is convicted by the Special Judge under MCOC Act, Pune in MCOC Spl. Case No.9 of 2014 under Sections 395 of the Indian Penal Code, 1860 and under Sections 3(1)(ii), 3(4) of the Maharashtra Control of Organized Crime Act, 1999 and sentenced to suffer rigorous imprisonment for ten years and to pay fine of Rs.50,000/-.

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This order is corrected as per speaking to minutes order dated 28.11.2023.

3. Heard learned counsel for the applicant and learned Addl. PP for the respondent – state.
4. Perused the record. Out of ten years of substantial sentence of imprisonment, the applicant has already undergone, 9 years of imprisonment.
5. Learned counsel for the applicant submits that the applicant has already undergone 9 years of imprisonment. He further submits that since the applicant is in jail since last 9 years, he is not in position to deposit the fine amount of Rs.50,000/- imposed under Section 395 of the Indian Penal Code, 1860.
6. This Application is opposed by the learned APP contending that two more offences are pending against the Applicant. However, considering the fact that the applicant has already undergone substantive period of sentence, the Application deserves to be allowed and hence the following order :-
 - (i) Interim Application is allowed.
 - (ii) Substantive sentence of imprisonment imposed on the applicant vide judgment and order dated 17 June 2021 in MCOC Spl. Case No.9 of 2014 is suspended during the pendency of this Appeal.
 - (iii) Applicant - Vijay Alias Vijya Bibhishan Kale be released on bail on executing PR bond in the sum of

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Rs.25,000/- with one surety in the like amount.

- (iv) Applicant shall attend the concerned police station twice in a month on the first and third Sunday between 10.00 am to 12 noon.
- (v) Applicant shall furnish residential address proof and cell number to the concerned police station.

(NITIN B. SURYAWANSHI, J.)

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