

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

**INTERIM APPLICATION NO. 218 OF 2024
IN
CRIMINAL APPEAL NO. 942 OF 2022**

1) Mr. Ali Mohd @ Sonu Qureshi
s/o. Lal Mohd Qureshi
2) Tanveer Qureshi s/o. Lal Mohd
Qureshi

.... Applicants

v/s.

The State of Maharashtra

.... Respondent

Mr. Meghashyam Kocharekar i/b. Mohd. Ahmed Shaikh for the
Applicants.

Mr. S.V. Gavand, APP for the State.

**CORAM: A.S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATED : 13th FEBRUARY, 2024.

P. C. :-

1) This is an Application filed by the aforesaid Applicants (original accused nos.3 and 4) for suspension of sentence and to release them on bail.

2) It is an admitted fact on record that, since the date of their arrest i.e., 09/12/2012, the Applicants are behind bars and as of today, they have undergone about 11 years and 01 month in incarceration.

3) In view of the guidelines issued by the Hon'ble Supreme Court in the case of Saudan Singh v/s. The State of Uttar Pradesh in Criminal Appeal No. 308 of 2022 [@ SLP (Crl.) No. 4633 of 2021], dated 25th February, 2022 and the view expressed in cases of (i)

Suleman v/s. The State of Uttar Pradesh, Criminal Appeal No. 491 of 2022 (Arising out of SLP (Crl.) No. 1451 of 2022) dated 25th March 2022 and (ii) Dinesh @ Paul Daniel Khajekar v/s. State of Maharashtra & Anr., Criminal Appeal No. 2987 of 2023 (Arising out of S.L.P. (Crl.) No. 10320 of 2023) dated 25th September 2023, the Applicants are entitled to be released on bail during the pendency of Appeal.

4) In view of the above, during the pendency of the present Appeal, the substantive sentence imposed upon the Applicants is suspended and they are released on bail on the following terms and conditions :-

(i) The Applicants shall be released on bail in Sessions Case No.299/2013 arising out of C.R.No.190/2012 registered with B.K.C. Police Station, Bandra (E), Mumbai, on their furnishing PR. bond in the sum of Rs.25,000/- each with one or two separate solvent local sureties in the like amount.

(ii) After their release from jail and during the pendency of the present Appeal, the Applicants shall attend B.K.C. Police Station, Bandra, Mumbai on every first Monday of the month between 10.00 a.m. and 12.00 noon initially for a period of one year.

After end of one year, the Applicants shall attend

B.K.C. Police Station, Bandra, Mumbai on every 1st Monday of every 3rd Month between 10:00 a.m. and 12:00 noon. The Applicants thus shall attend B.K.C. Police Station, Bandra, Mumbai four times in a year during the pendency of the present Appeal.

(iii) In case of two consecutive defaults in complying with the aforesaid conditions, the Prosecution is at liberty to file an Application for cancellation of his bail.

(iv) Applicants shall inform their prospective residential address to the trial Court. The Applicants shall keep informed the trial Court of any change in their residential address and their mobile number, on which they can be contacted.

(v) Applicants shall make themselves available at the time of final hearing of the Appeals.

5) Interim Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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