

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

**INTERIM APPLICATION NO. 247 OF 2023
IN
CRIMINAL APPEAL NO. 54 OF 2023**

Jayashree @ Kalyani Umesh ... Applicants/Appellants
Deshpande and Anr.

V/s.

State of Maharashtra ... Respondent

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Mr. Aditya Parmar, i/b. Hulyalkar and Associates, for the
applicant/appellant.

Mrs. M.R. Tidke, APP for the Respondent/State.

CORAM : KISHORE C. SANT, J.

DATE : 29TH JANUARY 2024.

PC:

1. Heard the parties.
2. This application is seeking his release on bail by original
accused no. 2. The ground on which release is sought is that the
applicant is in jail since last more than 7 years. The main accused is
already released on bail as she has deposited the fine amount. This is
the first application filed for releasing on bail by the present applicant.

He did not prefer any application as he has not deposited the fine amount. It is also stated that he does not have capacity to pay the fine amount. The applicant is in jail from 08.08.2016 till 19.12.2022 i.e. the date of the judgment and he is continued in the custody thereafter. He has completed his substantive sentence. He is still in jail as he is not in a position to pay the fine amount of Rs. 10 lakhs for the offences punishable under Section 3(1) (ii) and Section 3 (4) of the MCOC Act, in default to suffer imprisonment for one year.

3. The applicant therefore undertakes that he will pay fine amount of Rs. 10 lakhs within a period of three months from his release on bail. Since the applicant had already suffered substantive sentence and that he would pay fine amount, this Court finds that in the interest of justice the application deserves to be allowed. Hence the following order:

ORDER

- i) The application stands allowed.
- ii) The applicant No. 2 shall be released on bail on furnishing P.R. bond of Rs. 25,000/- and one or more solvent sureties in the like amount.
- iii) The applicant shall deposit fine amount

within three months from his release on bail.

iv) If the fine amount is not paid this order shall be cancelled.

4. The application is disposed off.

(KISHORE C. SANT, J)