

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

**INTERIM APPLICATION NO.1530 OF 2024
IN
CRIMINAL APPEAL NO.503 OF 2023**

Abdul Gani Khan & Anr. ..Applicants
Versus
The State of Maharashtra ..Respondent

Mr. Bhushan Raut a/w Vaibhav Lavande, for the Applicants.
Mr. A. R. Patil, APP for the Respondent/State.

CORAM : KISHORE C. SANT, J.

DATE : 8th MAY, 2024

PC.

1. Heard learned counsel for the parties.
2. This Application is filed seeking suspension of sentence and release of the Applicants on bail. Their Appeal is already admitted. The earlier application filed by the Applicants is also rejected. This Application is preferred mainly on the ground that both the Applicants have completed substantive sentence. They have also completed almost 60% of the default sentence. They could not deposit the fine amount Rs.15,00,000/-. Applicants rely upon the order passed by this Court dated 15th February, 2024 in Interim Application No.477 of 2024 in the present Criminal Appeal No.503 of 2023. He submits that now the application also needs to be

considered on the ground of parity. Applicants are not in a position to pay any amount towards fine.

3. Though the application is strongly opposed, this Court is inclined to allow the Application for the reason that the substantive sentence is already over and 60% default sentence is also over.

4. It can be inferred that the Applicants are not in a position to pay the fine amount, as they could not deposit the amount till now and secured the bail. Considering the above, following order is passed :-

ORDER

- a) The Application is allowed. Substantive sentence as imposed by the learned Additional Sessions Judge, Pune in Special Case (MCOC) No.28 of 2017 stands suspended.
- b) Applicants be released on bail upon furnishing PR bond in the sum of Rs.15,000/- each with one or more sureties in the like amount to the satisfaction of the Trial Court.
- c) Applicants shall pay the fine amount of Rs.10,000/- imposed under the IPC Sections.
- d) Applicants shall attend the concerned Police Station on every 2nd and 4th Saturday of the month at 11:00 a.m.
- e) Applicants shall furnish details of residential address and

other contact details such as mobile number etc. to the Police Station. If there is any change in the contact details, the same shall be immediately informed to the concerned Police Station.

- f) Applicants shall not enter into Pune city except for attendance to Police Station. Applicants shall not indulge in any similar activities. If they are found indulging into similar activities, their bail shall be liable to be cancelled.

5. The Application stands disposed of in above terms.

[KISHORE C. SANT, J.]