

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2710 OF 2022

IN

CRIMINAL APPEAL NO.899 OF 2022

Karan @ Vishnu Rajaram Nishad : Applicant/Appellant

Vs.

The State of Maharashtra & Anr. : Respondents

Adv. Sartaj Shaikh, for the Applicant/Appellant.

Mr. A. R. Patil, APP for the State.

CORAM : KISHORE C. SANT, J.

DATE : 6TH MARCH, 2024

PC. :

1. This Application is filed seeking suspension of sentence and release of the Applicant on bail. The Applicant is convicted for the offences punishable under Sections 392, 395, 397, 342, 457, 458, 380 r/w. 34 of the IPC r/w Section 37(1)(a) r/w Section 135 of Maharashtra Police Act. The maximum sentence awarded is R.I. for 9 years for the offence under Section 3(i)(ii), and to pay Rs.5,00,000/-. Total fine amount of Rs.17,19,000/- has been imposed. Today the Application is pressed only on the ground that out of 9 years the Applicant has suffered more than 8 years

in Jail. He was arrested on 3rd January, 2017 and since then he is in jail.

2. Since none appeared on 5th March, 2024 for the Respondent No.2, the matter is adjourned today. Today also none is present for Respondent No.2. This Court therefore proceeds with the Application.

3. It is submitted that the Applicant has already suffered 8 years sentence out of total 9 years sentence. He is ready to deposit amount of Rs.5,00,000/- towards condition for release on bail.

4. So far as depositing of the fine amount is concerned. Learned Advocate for the Applicant relied upon the judgment in the case of *Satyendra Kumar Mehra @ Satendera Kumar Mehra Vs. State of Jharkhand*¹.

5. Considering above, this Court is inclined to allow this Application. Hence following order:-

ORDER

- a) The Application is allowed.
- b) Applicant shall be released on bail on furnishing PR. bond and solvent surety in the sum of Rs.10,000/-.
- c) As a condition precedent the Applicant shall deposit amount of Rs.2,00,000/- before he is released on bail.

¹ 2018 AIR(SC) 1587

After release on bail, he shall deposit amount of Rs.3,00,000/- within a period of 8 weeks.

- d) He shall attend the concerned police station on every 2nd and 4th Sunday between 11.00 a.m. to 1.00 p.m.
- e) Applicant shall keep informed the concerned Police Station about his residential address, mobile number etc. and other contact details till the final disposal of the Appeal.
- f) In case, he is found involved in any criminal activity, his bail shall be cancelled.
- g) The Application stands disposed of.
- h) Till disposal of the case he shall not enter the jurisdiction of Oshiwara Police Station except for attending the Police Station.

(KISHORE C. SANT, J.)