IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.3389 OF 2026
IN
CRIMINAL APPEAL (ST) NO.19524 OF 2026

Bilal Kasim Kureshi ... Applicant
versus
The State of Maharashtra … Respondent

WITH
CRIMINAL APPEAL (ST) NO.19524 OF 2026
WITH
INTERIM APPLICATION NO.3390 OF 2026

Mr. Pradeepkumar Pardeshi with Ms. Anuksha Martis, for Applicant/Appellant.
Mr. D.J.Haldankar, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 15 OCTOBER 2026

P.C.

1. Heard the learned Counsel for the parties.

2. This is an application for condonation of delay of 237 days in preferring the appeal. Upon the delivery of the judgment, the Applicant was taken in custody for the purpose of undergoing the sentence.

3. Thus for the reasons assigned in the application and to advance the cause of substantive justice, the delay in filing the appeal deserves to be condoned.

4. Hence, the Interim Application stands allowed.

5. Delay of 237 days in preferring the appeal stands condoned.

6. Appeal be registered.

7. Interim Application stands disposed.

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8. Admit.

9. Call R and P.

IA No.3390 of 2026

10. This is an application for suspension of sentence and to enlarge the applicant on bail.

11. The Applicant, along with the co-accused, was prosecuted in Special (MCOCA) Case N.1 of 2016 before the learned Special Judge, at Alibag – Raigad, for the offences punishable under Sections 143, 147, 148, 395, 397 347 read with Section 149 of the Indian Penal Code, 1860 and Sections 3(1) (ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999 (MCOCA), and Section 3(1) read with 25 of the Arms Act, 1959.

12. By a judgment and order dated 29 November 2025, the learned Special Judge was persuaded to, inter alia, convict the Applicant (A6) for the offence punishable under Section 395 read with 34 of IPC and Section 347 read with 34 of IPC and sentence him to suffer rigorous imprisonment for five years and pay a fine of Rs.4,000/- for an offence punishable under Section 395 read with 34 of IPC and two years simple imprisonment and a fine of Rs.2,000/- for main offence punishable under Section 347 read with Section 34 of IPC, with

default stipulations.

13. Learned Counsel for the applicant submits that the applicant has been acquitted of the offences punishable under the MCOC Act, 1999. Learned Special Judge has imposed a sentence of five years for the major offence punishable under Section 395 read with 34 of IPC. The applicant was in custody as an under-trial prisoner from 30 September 2015 to 12 January 2018. Post conviction, the applicant has been undergoing sentence since 29 November 2025. The applicant has, thus, undergone a sentence of more than four years and three months out of the sentence of five years. Therefore, the applicant deserves to be released on bail.

14. Learned APP resisted the submissions on behalf of the applicant. It was urged that, having regard to the nature and gravity of the offences, the applicant does not deserve to be enlarged on bail.

15. It is imperative to note that the applicant has been acquitted of the offences punishable under Sections 3(1) (ii), 3(2) and 3(4) of the MCOC Act. Resultantly, the interdict contained in Section 21(4) of the MCOC Act, in the matter of release of the applicant on bail is not attracted. For the major offence punishable under Section 395 read with Section 34 of IPC, the applicant has been sentenced to suffer imprisonment for a fixed term of five years. The Applicant has already undergone a sentence of almost four years and three months.

16. Having regard to the number of accused who have been convicted by the learned Special Judge by the impugned judgment and order and the large pendency of the appeals before this Court, it is extremely unlikely that this appeal can be taken up for hearing and final disposal before the term of imprisonment of five years, ordered to be suffered by the applicant, comes to an end. This Court does not find that there is any exceptional reason not to exercise the discretion in the face of fixed term sentence of five years and the period of sentence already undergone by the Applicant.

17. It would, therefore, be expedient in the interest of justice to suspend the sentence and enlarge the applicant on bail.

18. Hence, the following order :

ORDER

(i) The Interim Application stands allowed.

(ii) The substantive sentence imposed by the learned Special Judge, MCOCA, Alibag – Raigad, in Special MCOC Case No.1 of 2016 arising out of CR No.58 of 2015 registered with Poynad Police Station, stands suspended qua the applicant – Bilal Kasim Qureshi, till the final disposal of the appeal.

(iii) The Applicant – Bilal Kasim Kureshi be enlarged on bail on furnishing a PR Bond in the sum of Rs.25,000/- and one or two sureties

in the like amount, to the satisfaction of the learned Special Judge, MCOC.

(iv) The Applicant shall mark his presence at Poynad Police Station, on the first Monday of November and May every year, till the final disposal of the appeal.

(v) The Applicant shall not contact or give threat or inducement to any of the prosecution witnesses

(vi) Upon release on bail, the Applicant shall furnish his address and contact details to the Investigating Officer and shall keep him informed in case of any change therein.

(vii) The Applicant shall attend the proceedings in this appeal, as and when directed.

Interim Application stands disposed.

(N.J.JAMADAR, J.)

Signed by: S.S.Phadke
Designation: PS To Honourable Judge
Date: 17/10/2026 19:13:53