

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 2190 OF 2024
IN
CRIMINAL APPEAL NO. 1033 OF 2024

Mohammed Farukh Mansuri alias Mohd. Farukh ...Applicant
Mansuri alias Mohd. Farukh Yasin Mansur alias
Mohammad Farooq Yasin

IN THE MATTER BETWEEN

Mohammed Farukh Mansuri alias Mohd. Farukh ...Appellant
Mansuri alias Mohd. Farukh Yasin Mansur alias
Mohammad Farooq Yasin

Versus

The State of Maharashtra & Anr ...Respondents

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Dr Pradeepkumarm Pardeshi, with Anushka Martis & Akshay
Gawde, for the Applicant/Appellant.

Mr RM Pethe, APP, for the Respondent-State.

Mr Pradip D Gharat, Special Public Prosecutor, CBI, present.

CORAM: R. M. JOSHI, J.

DATED: 13TH JANUARY 2026

PC:-

1. This application is for suspension of sentence and enlargement of the Appellant on bail in connection with Judgement and Order dated 9th January 2023 in MCOC Spl. Case No. 14 of 2018.

2. learned counsel for the Appellant submits that the Appellant is in jail for last seven years and seven months, though he sentenced to suffer 10 years imprisonment. It is his further submission that the co-Accused, who were tried before the Trial Court are already enlarged on bail by order of passed by Hon'ble Supreme Court or by this Court.

3. In such circumstances, according to him, having regard to the role alleged against the present Appellant which is of lesser gravity as compared to the role of the Accused were granted bail, there cannot be any impediment to enlarge him on bail.

4. Learned Special Public Prosecutor opposed the grant of bail essentially on the ground that the Appellant is a convict in a Bomb Blast Case. It is a submission that owing to the antecedents, he may not be enlarged on bail. He, however, does not dispute the fact that the main Accused to whom greater role is attributed in crime in the present case are granted bail.

5. For grant of bail, there would be two considerations such as the time spent by the convict in the jail from the period of sentence imposed upon him. Secondly, the Court has also to see as to whether the co-Accused against whom similar or higher role is attributed are enlarged on bail. The case of the present Appellant is covered in both circumstances.

6. The objection raised by the Special Public Prosecutor with regard to the present Appellant being convict and in jail in connection with Bomb Blast Case, it is pertinent to note that

enlargement of the Appellant in this crime will not lead his release from jail in another crime. Consequently, this Court finds no impediment to allow the Application.

7. Hence, the following order:

ORDER

- (a) The Application is allowed.
- (b) Pending hearing and final disposal of Appeal No. 1033 of 2024, the substantive sentence imposed upon the Appellant/Applicant by the impugned Judgment and Order dated 9th January 2023 passed by the learned Special Judge under MCOC Act in MCOC Spl. Case No. 14 of 2018 stands suspended.
- (c) The Applicant is entitle to be enlarged on bail, subject to the following condition:
 - (i) Applicant, Mohammed Farukh Mansuri alias Mohd. Farukh Mansuri alias Mohd. Farukh Yasin Mansur alias Mohammad Farooq Yasin is directed to be released on furnishing bail on PR Bond of Rs.50,000/- with one or more sureties in the like amount.

(R. M. JOSHI, J.)