

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S) 1666 OF 2017
[Arising out of Special Leave Petition
(Criminal) No.2778 of 2017]

FARHAN ABDUL MALIK KHOT ...APPELLANT(S)

VERSUS

STATE OF MAHARASHTRA ...RESPONDENT(S)

ORDER

1. Leave granted.
2. We have heard the learned counsels for the parties.
3. The accused appellant who is presently on interim bail granted by the order of this Court dated 8th May, 2017 was in custody for a period of nine years (approximately). He has been refused bail by the High Court pending final disposal of the appeal filed before it.

4. The conviction of the accused appellant is under the different provisions of the Arms Act, 1959 and the Prevention of Terrorist Act, 2002 ("POTA" for short) as well as the Explosives Substances Act, 1908. While the accused appellant has been sentenced to undergo rigorous imprisonment for ten (10) years under the former provisions of law (i.e. under the POTA and Arms Act), the sentence upon conviction under the Explosive Substances Act, 1908 is imprisonment for life.

5. Having regard to the facts in which the conviction of the accused has been ordered by the learned trial Court we are of the view that, at this stage, it would not be expedient to enlarge the accused appellant on regular bail pending final decision in the appeal before the High Court.

6. By order dated 8th May, 2017 we had allowed the accused appellant to remain on interim bail to look after his mother who is suffering from an advanced stage of cancer. From time to time we have extended the aforesaid order of interim bail permitting the accused appellant to lay before the Court documentary evidence showing the present health condition of his mother. By the previous order of this Court dated 11th September, 2017 passed in the present matter we had required the learned State Counsel to verify the correctness of the medical reports and certificates brought on record by the accused appellant. The same has been verified and an affidavit has been filed on behalf of the State to the effect that the mother of the accused appellant is, indeed, suffering from the disease which is at an advanced stage and apart from palliative

care no treatment/therapy is possible.

7. In the aforesaid circumstances we are of the view that while the prayer for regular bail pending the appeal before the High Court is not to be entertained at this stage, the interim bail granted by this Court by order dated 8th May, 2017 should be allowed to continue for a further period of three months with effect from today. The interim bail granted by this Court will be subject to such condition(s) as may be imposed by the learned trial Court after hearing the learned Public Prosecutor for which purpose the accused appellant will appear before the learned trial Court on 4th October, 2017. On expiry of the aforesaid period, the accused appellant will surrender before the concerned jail authority to serve out his sentence.

8. With the aforesaid observations and directions the appeal is disposed of.

.....,J.
(RANJAN GOGOI)

.....,J.
(NAVIN SINHA)

NEW DELHI
SEPTEMBER 15, 2017

ITEM NO.60

COURT NO.3

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (CRL.) NO(S). 2778/2017
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 21-10-2016
IN CRLAPP NO. 1140/2016 IN CRLA NO. 648/2016 PASSED BY THE HIGH
COURT OF JUDICATURE AT BOMBAY)

FARHAN ABDUL MALIK KHOT

PETITIONER(S)

VERSUS

THE STATE OF MAHARASHTRA

RESPONDENT(S)

(FOR [PERMISSION TO FILE ANNEXURES] ON IA 5990/2017
INCOMPLETE BEFORE COURT AND IA NO.58640/2017-I A FOR EXTENTION OF
INTERIM BAIL AND IA NO.72508/2017-PERMISSION TO FILE ADDITIONAL
DOCUMENTS AND IA NO.79287/2017-PERMISSION TO FILE ADDITIONAL
DOCUMENTS)

Date : 15-09-2017 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s)

Mr. Kapil Sibal, Sr. Adv.
Mr. Pradeep Chhindra, Adv.
Mr. A. Venayagam Balan, AOR

For Respondent(s)

Mr. Nishant R. Katneshwarkar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed
order. Consequently, all pending applications are also
disposed of.

[VINOD LAKHINA]

[ASHA SONI]

AR-cum-PS

BRANCH OFFICER

[SIGNED ORDER IS PLACED ON THE FILE]