

Anand

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

WRIT PETITION NO.876 OF 2016

Mohammed Fasihuddin Mohd.Imtiyazuddin .Petitioner

Vs.

The State of Maharashtra

.Respondent

Mr.D.H.Shukla, Advocate, for the Petitioner

Smt.V.R.Bhosale, APP, for the Respondent – State

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 02.03.2016

P.C.

. Rule. Rule made returnable, forthwith with the consent of the parties.

2. Heard learned counsel for the Petitioner and the learned counsel for the Respondent - State.

3. It is submitted by the learned counsel for the Petitioner that the co-accused in the instant case namely Anil Rambhau Pawar was released by the Sessions Court on bail on his furnishing P.R. &

S.B. in the sum of Rs.3,00,000/- with additional cash bail of Rs.3,00,000/-. However, subsequent to it, by its order, the Sessions Court in Misc.Appln.No.3258 of 2015 on 11.02.2016 set aside and cancelled the deposit of the cash bail of Rs.3,00,000/- which was ordered by the learned Metropolitan Magistrate. However, as regards the present Petitioner, it is submitted that his Application was rejected by the Sessions Court vide its order dated 20.02.2016 on the ground that as earlier his prayer for reduction of the cash bail of Rs.3,00,000/- from Rs.10,00,000/- was considered, it would amount to review of its own order.

4. In view thereof, on the ground of parity, the present Petitioner also becomes entitled to the same relief which the co-accused Anil Rambhau Pawar has received in the facts & circumstances of the case. Therefore, the Writ Petition is allowed. The

order imposed by the learned Additional Chief Metropolitan Magistrate, 47th Court, Esplanade, Mumbai in 129/BA/2015 of deposit of additional amount of cash bail of Rs.3,00,000/- is hereby quashed & set aside. Rule is made absolute in the aforesaid terms.

(DR.SHALINI PHANSALKAR-JOSHI, J.)