

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1284 OF 2018

IN

CRIMINAL APPEAL NO.24 OF 2018

Mohammad Nadim Hanif @ Baba Qureshi.] Applicant /
Orig.Accd.No.3.

Versus

The State of Maharashtra.] ... Respondent

Ms. Tahira A. R. Qureshi for Applicant.
Mrs. M. M. Deshmukh, APP for State.

**CORAM :- B. R. GAVAI &
SARANG V. KOTWAL, JJ.**
DATE :- 14 AUGUST, 2018

P. C. :-

1. This is an application for suspension of sentence and grant of bail during pendency of the Appeal.

2. The learned Counsel for the Applicant seeks bail on the ground of parity. She invited our attention to the order dated 5th July, 2018 passed by this Court in Criminal Application No.381 of 2018, granting bail to the co-accused.

3. The Application is vehemently opposed by the learned APP on the ground that the role attributed to the present Applicant is different than the role attributed to the Applicant who has been granted bail.

4. Upon perusal of the evidence, we had come to the *prima-facie* conclusion that the case would fall under Section 304 (Part-I) or (Part-II) of the IPC. We find that the role attributed to the present Applicant is identical to the role attributed to the Applicant in Criminal Application No.381 of 2018. Considering the fact that the Applicant has undergone sentence of six years and more, we are inclined to allow the application. Hence, the order.

ORDER

For the reasons stated in the order dated 5th July, 2018 passed in Criminal Application No.381 of 2018, the Application is allowed on the same terms and conditions as were imposed by the said order.

(SARANG V. KOTWAL, J.)

(B. R. GAVAI, J.)