

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

**CRIMINAL APPLICATION NO.1042 OF 2019
IN
CRIMINAL APPEAL NO.902 OF 2019**

Mohd. Munazir @ Munir Salauddin Khan ... Applicant/Appellant

Vs

The State of Maharashtra ... Respondent

...

Ms.Misbah Solkar for the applicant.

Mr.A.S. Patil, APP, for the respondent-State.

...

CORAM : DAMA SESHADRI NAIDU, J.

DATE : 18th JULY 2019.

P.C. :

The applicant is the accused no.3 in Sessions Case No.595 of 2014. He was charged with the offences punishable under Section 489-B, 489-C read with 120-B of Indian Penal Code, 1860; and Sections 15, 16, 18 of the Unlawful Activities (Prevention) Act, 1967. Upon trial, the Additional Sessions Judge, Mumbai, through Judgment, dated 30th May, 2019, convicted the applicant and sentenced him to undergo, among other things, rigorous imprisonment for 7 years.

2. Heard Shri Tiwari, the learned counsel for the applicant, and Smt.l Lohakare, the learned APP, for the respondent-State.

3. The record reveals that the applicant was arrested on 22nd April 2014 and continued to be in jail throughout the trial. To this day, out of 7 years' sentence, he has completed 5 years and 3 months. First, the applicant has served a substantial part of the sentence. Second, it is unlikely for the Court to take up his appeal immediately. As a result, I suspend the sentence and enlarge the applicant on bail subject to the following conditions:

ORDER

- (i) Criminal Application is allowed.
- (ii) Substantive sentence imposed on the applicant/3rd accused is suspended and is directed to be released on bail on his executing P.R. Bond in the sum of Rs.30,000/- and on furnishing two sureties in the like amount.
- (iii) As a condition of this order, the applicant/ 3rd accused should not contact the first informant, or any other witness, or any member of the deceased victim's family in any manner.
- (iv) The applicant's failure to abide by these conditions shall entail the prosecution to apply for cancellation of bail granted to the applicant/ 3rd accused.
- (v) Criminal Application is, accordingly, disposed of.

(DAMA SESHADRI NAIDU, J.)