

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

BAIL APPLICATION NO. 3127 OF 2019

Kamran Asif Khan ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Aamir M. Shaikh, Advocate for the Applicant.

Ms. Veera Shinde, APP for the Respondent – State.

Mr. S. K. Nair (H.C.) Mumbra Police Station, Thane City, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 8th JULY, 2021

PER COURT:

1. The applicant is seeking bail in C.R. No. I-139 of 2018 registered with Mumbra Police Station for offence under Sections 395 r/w Section 34 of IPC. Learned APP pointed out that the applicant is involved in C.R. No. I-394 of 2011 registered with Mumbra Police Station, Dist. Thane, for offences under Section 392 r/w Section 34 of Indian Penal Code (for short “IPC”) and C.R. No. I-544 of 2013 registered with the same Police Station for offence under Section 302 r/w Section 34 of IPC. The applicant has been convicted for offence under Section 302 of IPC in C.R. No. I-544 of 2013.

2. Learned advocate for the applicant submitted that in the case relating to offence under Section 302 of IPC in which he has been convicted, he was on bail during the pendency of trial. The applicant is also on bail in C.R. No. I-394 of 2011. Appeal against conviction for offence under Section 302 of IPC and the application for suspension of sentence is pending in this Court.

3. Learned counsel for the applicant on instructions submitted that he would pursue his application for suspension of sentence, first apply for bail in present case. The applicant be allowed to withdraw this application with liberty to move fresh application for bail after the application for suspension of sentence pending in this Court is decided.

4. In view of submission, application is allowed to be withdrawn and stands disposed of with liberty as prayed for. It is clarified that this application was not adjudicated on merits. Application is disposed of.

(PRAKASH D. NAIK, J.)