

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 3982 OF 2022****IN****CRIMINAL APPEAL NO. 787 OF 2019**

Amir Sardar Khan @ Ammu

...Applicant/Appellant

V/s.

State Of Maharashtra

...Respondent

Ms. Rebecca Gonsalves for Applicant.

Mrs. M.H.Mhatre, A.P.P for the Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.****DATE : 19th DECEMBER 2022.****PC:-**

. This is an Application for suspension of sentence and releasing the Applicant on bail.

2. Heard learned Advocate Ms. Rebecca Gonsalves for the Applicant and Mrs. Mhatre, learned A.P.P for Respondent- State. Perused notes of evidence.

3. Applicant is original accused No.2. Ms. Gonsalves, learned Advocate for Applicant submitted that, the co-accused namely Nazir Sardar Khan (accused No.3) has been released on bail by this Court by its order dated 27th September 2022 in Interim Application No.3029 of 2022. That, the Applicant has been attributed with same and/or similar role as has been

attributed to Nazir Sardar Khan (accused No.3). She submitted that, therefore the Applicant is entitled to be released on bail on the ground of parity.

4. Learned A.P.P. after perusing the record conceded to the said fact and fairly submitted that, the Applicant is entitled to be released on bail on the ground of parity with Nazir Sardar Khan (accused No.3).

5. Perusal of record indicates that, there is substance in the contention raised by learned Advocate for Applicant. Applicant has played same and/or similar role as has been attributed to Nazir Sardar Khan (accused No.3) and therefore during the pendency of present Appeal, substantive sentence imposed upon Applicant can be suspended and he can be released on bail.

Hence the following order :

- i) During the pendency of present Appeal, substantive sentence imposed upon Applicant is suspended and he be released on bail in S.C. No.203 of 2013 arising out of FIR No.310 of 2013 on his furnishing P.R. bond of Rs.25,000/- with one or two local sureties in the like amount.
- ii) After his release from Jail, Applicant shall attend Malvani Police Station, Mumbai, on every first Monday of the month between 10.00 a.m. and 12.00 noon initially for a period of one year and

subsequently, on every first Monday of every 3rd Month, i.e. 4 times in a year, between 10.00 a.m. and 12.00 noon.

iii) If the Applicant commits two consecutive defaults in complying with condition No.(ii) above, in that event, the prosecution will be at liberty to file an Application for cancellation of bail.

6. Application is allowed in the aforesaid terms.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)