

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

INTERIM APPLICATION NO. 892 OF 2024

IN

CRIMINAL APPEAL NO. 860 OF 2015

Mohammad Parwez Mohhamad Anwarul Haq Applicant
v/s.

The State of Maharashtra Respondent

Mr. Anil Lalla a/w. Mr. Aryan Kotwal i/b. Lalla & Lalla for the Applicant.
Mr. S.V. Gavand, APP for the State.

**CORAM: A.S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATED : 21st MARCH, 2024.

P. C. :-

1) This is the successive Application for suspension of sentence and releasing the Applicant on bail.

1.1) The earlier Criminal Application No.120 of 2016 preferred by the Applicant was rejected by this Court by a speaking Order dated 21st March, 2016.

2) Record indicates that, the co-accused namely Mohammad Tabrej Mohammad Anwarul Haq has been directed to be released on bail by this Court by Order dated 29th October, 2015.

3) Mr. Lalla, learned counsel for the Applicant submitted that, as per the Imprisonment Certificate issued by the Office of the Superintendent, Nashik Road Central Prison dated 23rd February, 2024 as of on that day, the Applicant had undergone 11 years, 06 months and 04 days in actual incarceration.

4) In view of the guidelines issued by the Hon'ble Supreme Court in the case of *Saudan Singh Vs. The State of Uttar Pradesh in Criminal Appeal No. 308 of 2022 [@ SLP (Crl.) No. 4633 of 2021]*, dated 25th February 2022 and the view expressed in cases of (i) *Suleman Vs. The State of Uttar Pradesh, Criminal Appeal No. 491 of 2022 (Arising out of SLP (Crl) No. 1451 of 2022) dated 25th March 2022* and (ii) *Dinesh @ Paul Daniel Khajekar Vs. State of Maharashtra & Anr., Criminal Appeal No. 2987 of 2023 (Arising out of S.L.P (Crl.) No. 10320 of 2023) dated 25th September 2023*, we are inclined to suspend the substantive sentence imposed upon the Applicant and release him on bail.

4.1) Hence, the following Order :-

(i) Applicant shall be released on bail in Sessions Case No.431 of 2011 arising out of C.R.No.A-38/2011 registered with CST Railway Police Station, Mumbai on his furnishing P.R. bond in the sum of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from jail and during the pendency of the present Appeal, the Applicant shall attend CST Railway 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.

After end of one year, the Applicant shall attend CST

Railway Police Station, Mumbai on every 1st Monday of every 3rd Month between 10:00 a.m. and 12:00 noon. The Applicant thus shall attend CST Railway Police Station, Mumbai four times in a year during the pendency of the present Appeal.

(iii) In case of two consecutive defaults in complying with the aforesaid conditions, the Prosecution is at liberty to file an Application for cancellation of his bail.

(iv) Applicant shall inform his prospective residential address to the trial Court. The Applicant shall keep informed the trial Court of any change in his residential address and his mobile number, on which he can be contacted.

(v) Applicant shall make himself available at the time of final hearing of the Appeal.

5) Interim Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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