

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

**INTERIM APPLICATION NO.3263 OF 2023
IN
CRIMINAL APPEAL NO.1238 OF 2023**

Hafij Niyaj Ahmad Khan : Applicant
Vs.
The State of Maharashtra : Respondent

Adv. S. A. A. Anqvi a/w Adv. S. M. Hussain, for the Applicant.
Mr. A. R. Patil, APP for the Respondent/State.

CORAM : KISHORE C. SANT, J.

DATE : 14TH MARCH, 2024

PC. :

1. Heard.
2. This Application is preferred by the Accused No.1 for release on bail and for suspension of sentence. He is convicted by the learned Sessions Judge, Greater Bombay, by Judgment & Order dated 30/05/2023 in Sessions Case No.317 of 2017.
3. The learned Sessions Judge has held Applicant guilty for the offence punishable under Section 395. He is sentenced to suffer R.I. for six years and to pay fine of Rs.3000/- and in default suffer imprisonment for

the period of three months.

4. The only ground pressed into service is that the present Applicant has suffered more than four & half years out of six years sentence and other Co-Accused are released on bail. The Co-Accused Vaibhav is already released on bail by this Court. It is thus submitted that on the ground of parity this also Applicant deserves to be released on bail.

5. The learned APP submits that against the present Applicant one more offence was registered i.e, 11 of 2017 for the offence punishable under Section 394 of the Indian Penal Code which is still pending. He thus opposes the Bail Application. This Court however is considering the Application mainly on the ground that he has suffered substantial part of the sentence and that Co-Accused Vaibhav is also released on bail by considering these facts. Hence the following order.

ORDER

- a) Application is allowed.
- b) The sentence awarded by the learned Sessions Judge, Greater Bombay, by Judgment & Order dated 30/05/2023 in Sessions Case No.317 of 2017 stands suspended.
- c) Applicant shall be released on bail on furnishing PR.

bond and solvent surety in the sum of Rs.15,000/-,
subject to condition of deposit the fine amount.

- d) Applicant shall mark his presence before the concerned Police Station once in month i.e. on every first Sunday as per the convenient time of the Police Station Incharge.
- e) If Applicant is found involved in any other offence his bail shall be liable to be cancelled.
- f) Applicant shall furnish contact details including his mobile number etc. to the concerned Police Station.
- g) Applicant shall keep informed about any change in above mentioned contact details immediately to the concerned Police Station.
- h) The Application stands disposed of.

(KISHORE C. SANT, J.)