

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 392 OF 2025
IN
CRIMINAL APPEAL NO. 714 OF 2019

Manoj Madhukar Patil .. Applicant/Appellant
V/S.
State of Maharashtra and Anr. .. Respondents

Mr. Ritesh Thobde (through VC) a/w. Ms. Zubi Ansari, for the Applicant /Appellant.

Ms. Sharmila Kaushik, APP, for the Respondent/State.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.**
DATE : 30th SEPTEMBER 2026.

ORDER: *(Per Shreeram V. Shirsat, J.)*

1. Heard Mr. Ritesh Thobde, Learned Counsel for the Applicant/Appellant and Ms. Sharmila Kaushik, Learned APP for the State.
2. The Applicant, by this application, is seeking suspension of sentence pending the hearing and final disposal of the appeal, mainly on the ground that the Applicant has suffered long incarceration of more than 11 years.
3. The Applicant/Appellant was convicted by the Additional Sessions Judge, Palghar vide judgment and order dated 29.03.2019 in Session Case No. 18 of 2015 for the offence punishable under Section 302 of the Indian Penal Code and was sentenced to suffer imprisonment for life and to pay a

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fine of Rs. 5,000/-. The Applicant was also convicted for the offence punishable under Section 120-B of the Indian Penal Code and was sentenced to suffer imprisonment for life and to pay a fine of Rs. 2,500/- and in default, to suffer rigorous imprisonment for three months.

4. Against the said judgment and order of conviction, the Applicant/Appellant has preferred an appeal before this Court, being Criminal Appeal No. 714 of 2019, which is pending before this Court.

5. The Ld. Counsel for the Applicant submitted that pending the appeal, an application for suspension of sentence and release on bail was preferred, which came to be withdrawn as the Court was not inclined to grant any relief. The Court, however, was pleased to grant liberty to the Applicant to make a request for taking up the appeal for final hearing at the earliest as the Applicant was incarcerated for almost 10 years, vide order dated 02.08.2024.

6. The Ld. Counsel further submitted that the Applicant once again moved an application for suspension of sentence and grant of bail, however, the said application was permitted to be withdrawn with liberty to approach this Court again for his release on bail during the pendency of his appeal, if the appeal is not taken up for final hearing for a period of one year from the date of the order i.e. 15.03.2022.

7. The Applicant has approached this Court for suspension of sentence

and bail as the appeal has not been taken up for final hearing despite the two previous orders passed by this Court. The prime contention of the Applicant is that he has undergone sentence of more than 11 years and that the appeal is not likely to be heard in the near future. The learned counsel for the Applicant relied upon the judgments of ***Saudan Singh v. State of Uttar Pradesh***¹ and ***Sonadhar v. State of Chhattisgarh***².

8. In ***Saudan Singh*** (supra), the Apex Court has been pleased to observe as under:

“7. There may be cases where for whatever reason the advocate may not be present as has been set out in the report of the High Court but if they have already completed 14 years of actual sentence, the State itself should take an appropriate stand and the learned Judge can himself pass appropriate orders to at least examine those cases for release and the absence of the advocate cannot come in the way in such a scenario.

8. We have put to learned AAG and the learned counsel for the High Court that a list should be prepared of all cases where the person has served out a sentence of 14 years, is not a repeat offender, and in any case if in these cases at one go bail can be granted and cases remitted for examination under the Uttar Pradesh Prisoners Release on Probation Rules, 1938. In all these cases, there is a high possibility that if these people are released, they may not be even interest in prosecuting their appeals.

9. The second category of cases can be one where the person has served out more than 10 years of sentence. In these cases also at one go bail can be granted unless there are any extenuating circumstances against him.

10. We are quite hopeful that the High Court will adopt the aforesaid practice and thus prevent the Supreme Court to be troubled with such matters”.

9. The Ld. Counsel for the Applicant also submitted that the Applicant

1 (2023) 17 SCC 446

2 (2022) SC 788

has been in jail since 31.10.2014 i.e. the date of his arrest. He further submitted that there are no extenuating circumstances or any criminal antecedents against the Applicant and therefore it was urged that the Applicant be released on bail on any such terms and conditions as this Court deems fit.

10. *Per contra*, the Ld. APP strongly opposed the release of the Applicant on bail pending the appeal and submitted that the Applicant along with other co-accused, had in a calculated manner committed the offence of murder and therefore the Applicant need not be released on bail at this stage. It was also submitted that this Court had on two previous occasions rejected the bail application on merits.

11. We had asked the Ld. APP to call for a report from the jail authorities to ascertain the actual years of imprisonment undergone by the Applicant. The Ld. APP has placed on record the custody report of the Applicant dated 17.09.2026, submitted by the Superintendent of Jail, Visapur District Open Prison, wherein it has been mentioned that the Applicant has undergone 11 years, 9 months, and 18 days as on 31.08.2026.

12. We are of the opinion that in terms of categorization specified by the Hon'ble Supreme Court in the case of ***Saudan Singh*** (supra) and taking into consideration that the Applicant has served more than 11 years of actual imprisonment, the bail application of the Applicant can be considered.

Considering the fact that the Applicant has undergone actual imprisonment of more than 11 years and 9 months, that the Applicant is now in an open jail, that there are no criminal antecedents and that the appeal is of the year 2019 which is not likely to be taken up for hearing in the near future, we are inclined to release the Applicant on bail pending the appeal.

13. In the decision of the Hon'ble Apex Court in ***Sonadhar v. State of Chhattisgarh*** (supra), wherein it has been observed that "*we are of the view that all persons who have completed 10 years of sentence and appeal is not in proximity of hearing with no extenuating circumstances, should be enlarged on bail.*"

14. We also refer to the observations made by the Hon'ble Apex Court in ***Dinesh Paul @ Daniel Khajekar v. State of Maharashtra (Criminal Appeal No. 2987 of 2023)***, wherein it was held that: "*the appellant has undergone incarceration for a period of more than 11 years. In fact, the High Court ought to have granted relief under Section 389 of Code of Criminal Procedure, 1973 to the appellant.*"

15. Taking into consideration the dictum of the Hon'ble Apex Court, we are inclined to allow this application. As a consequence, the Applicant is found to be entitled to be released on bail during the pendency of the appeal.

ORDER

A) The Application is allowed.

B) The sentence of imprisonment imposed by the Additional Sessions Judge, Palghar, in Sessions Case No. 18 of 2015 vide judgment dated 29.03.2019 is suspended during the pendency of the appeal and the Applicant is released on bail, on the following conditions:

i) The Applicant is directed to furnish a personal bond and a surety bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) with one or more local sureties.

(ii) The Applicant is directed to mark his attendance at the Vangaon Police Station, Tal. Dahanu, District Palghar, on the first Monday of every month for a period of one year initially and thereafter once in six months till the disposal of the appeal, preferably on the first Monday of January and June of every year. In case of two consecutive defaults in complying with the aforesaid condition, the prosecution will be at liberty to file an application for cancellation of bail.

(iii) The Applicant is directed to furnish his residential address and phone number and inform the police if there is any change in the address or phone number.

(iv) The Applicant shall not leave the State of Maharashtra without informing the Vangaon Police Station, Tal. Dahanu.

(v) The Applicant shall not leave the country without prior permission of this Court and shall deposit his passport, if any, with this Court.

(vi) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case.

(vii) The Applicant shall not misuse his liberty and/or flout any of the conditions imposed herein.

(viii) The Applicant shall not commit any offense during the period of his release.

(ix) The Applicant shall make himself available at the time of the final hearing of the appeal.

(x) The Applicant shall deposit the fine amount as directed by the Trial Court before his release

16. The Application for bail and suspension of sentence is disposed of.

17. All other pending applications, if any, stand disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)