

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 455 OF 2024

IN

CRIMINAL APPEAL NO. 464 OF 2019

Namdev Dagadu Bhagat and others

... Applicants/Appellants

Versus

The State of Maharashtra

... Respondent

Mr. Anush Shetty, i/b Dr. Yug Mohit Chaudhary for Applicants/Appellants.

Ms. Pallavi Dabholkar, APP for Respondent/State.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.**

DATE : 25th AUGUST 2026.

ORDER (PER SHREERAM V. SHIRSAT J.)

1. Heard Mr. Anush Shetty, learned counsel for the Applicants/Appellants, and Ms. Pallavi Dabholkar, learned APP for the State.
2. The Applicants/Appellants are the original accused, who are seeking bail pending the appeal, primarily on the ground that they have suffered incarceration for a period of more than 14 years.
3. The Applicants were convicted by the Additional Sessions Judge, Pune, by judgment and order dated 27th February 2019, for the offences punishable under Sections 120(B), 143, 147, 148, and 302 read with Section 149 of the Indian Penal Code (IPC) and sentenced to suffer imprisonment for life. The

Applicants/Appellants have challenged the judgment and order of conviction by preferring Appeal No. 460 of 2019, which is pending before this Court.

4. The learned counsel for the Applicants submitted that the present application is filed on the ground of long incarceration of the Applicants/Appellants, as they have been incarcerated for a period of more than 14 years. The learned counsel for the applicants has placed reliance on the judgments of ***Saudan Singh v. State of Uttar Pradesh [(2023) 17 SCC 446]*** and ***Suleman v. State of Uttar Pradesh [Miscellaneous Application No. 764 of 2022, dated 15th September 2022]***.

5. The Ld. Counsel for the Applicants by referring to the judgment of ***Saudan Singh*** (Supra), has invited the attention of this Court to the following paragraphs and urged that the Applicants be released on bail pending the appeal:

“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.”

6. The learned counsel for the applicants / appellants submitted that the incident is a fallout of a dispute over agricultural land and there are no criminal antecedents to the discredit of the applicants. Therefore, it was urged that considering the period of incarceration, the applicants may be released on bail.

7. *Per contra*, the learned APP vehemently opposed the release of the applicants on bail, considering that the applicants are involved in committing the murder of two persons. The learned APP submitted that the offence was committed in a very calculated manner, where four persons armed with axe and other deadly weapons, repeatedly assaulted the deceased persons even after they had collapsed and therefore no indulgence be shown. The learned APP further submitted that the ghastly assault by the Applicants has ultimately led to the death of two persons and that is the reason, the trial Court imposed a sentence of life imprisonment. According to the learned APP, these are the extenuating circumstances that disentitle them to be released on bail. The learned APP also submitted that long incarceration is not the only ground that should be looked into when the Court is considering the application under Section 389 of the Cr.P.C. and therefore, urged that the bail application be rejected.

8. We are of the opinion that in terms of the categorization specified by the Supreme Court in the case of Saudan Singh (*supra*), and since the applicants have served more than 14 years of actual imprisonment, the bail application of the applicants can be considered.

9. During the previous hearing of this application, we had asked the learned

APP to call for the report from the jail authorities to ascertain the actual years of imprisonment undergone by these applicants. The learned APP has placed on record, the record sheet of all four applicants. We have gone through it and we find that all the applicants have undergone more than 14 years of actual imprisonment, as detailed herein below:

Sr. No.	Name of Applicants	Period undergone		
		Years	Months	Days
1.	Namdev Dagadu Bhagat	14	2	19
2.	Chinky Namdev Bhagat	14	1	20
3.	Dnyandev Namdev Bhagat	14	1	23
4.	Srinath Namdev Bhagat	14	1	23

10. The appeal is of the year 2019 and it is not likely to be taken up for hearing in the near future. The Applicants have already undergone 14 years of actual imprisonment. Except for the fact that the applicants are involved in offence where two persons have been killed, leading to their conviction for life, nothing has been brought on record by way of extenuating circumstances for denial of suspension of sentence. The conviction for life perse cannot be said to be an extenuating circumstance which would disentitle the Applicants from being released on bail.

11. Following the observation made in Saudan Singh (*supra*), without making any observations on merits of the case, only on account of the fact that more than 14 years sentence has already been undergone by the Applicants and that there

are no criminal antecedents, we are inclined to allow the application. As a consequence, the applicants are found to be entitled to be released on bail during the pendency of the appeal.

ORDER

(I) The application is allowed.

(II) The sentence of imprisonment as imposed by the Court of the Additional Sessions Judge in Sessions Case No. 598 of 2012, dated 27th February 2019, is suspended during the pendency of the appeal, and the applicants are released on bail on the following conditions:

- i. The applicants / appellants are directed to furnish personal bonds and surety bonds of ₹50,000/- each, with one or more local sureties.
- ii. The applicants / appellants are directed to give attendance to Saswad Police Station, Pune Rural, 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 every year.
- iii. In case of two consecutive defaults in complying with the aforesaid conditions, the prosecution will be at liberty to file an application for cancellation of bail.
- iv. The applicants are directed to furnish valid proof of their residential address and phone number, and inform the police if

there is any change in the address or phone number.

v. The applicants shall not leave the State of Maharashtra without informing the Saswad Police Station, Pune Rural.

vi. The applicants shall not leave the country without prior permission of the Court and shall deposit their passports, if any, with this Court.

vii. The applicants shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts of the case in any manner whatsoever.

viii. The applicants / appellants shall not misuse their liberty and/or flout any of the conditions imposed herein.

ix. The applicants / appellants shall not commit any offence during the period of their release.

x. The applicants shall make themselves available at the time of the final hearing of the appeal.

10. The Application for bail and suspension of sentence is disposed of and all other pending applications are disposed of. IA No. 2725/2026 filed by one of the Applicants for expeditious hearing of Appeal is also disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)