

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

INTERIM APPLICATION NO. 1514 OF 2022
IN
CRIMINAL APPEAL NO. 508 OF 2017

Dinesh Sona Patel ..Applicant

v/s.

The Union Territory of Dadra &
Nagar Haveli & Anr. ..Respondent

Mr. Akshay Shah for the Applicant.
Mr. H.S.Venegavkar for the Respondent No.1- Union of India.
Mrs. G.P.Mulekar, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 15th JULY, 2022.**

P.C.

1. This is the second application for suspension of execution of sentence and for release on bail, filed by the aforesaid applicant who has been convicted by judgment dated 06.01.2017, passed by the learned Sessions Judge, Dadra & NaGAR Haveli in Sessions Case NO.10 of 2013, for the offence under Section 307 of IPC, and sentenced to undergo rigorous imprisonment for 10 years.

2. The previous application was dismissed by this Court on 2.11.2017, The learned Counsel for the applicant states that the applicant was in custody for six months pending trial, and that he

is undergoing sentence since the date of judgment i.e. 6.1.2017.

3. The Applicant has already undergone detention for a period extending one half of the sentence. The appeal is not likely to be heard in the immediate future, in view of the large pendency of cases. Considering the above facts, and the decision of the Honourable Supreme Court dated 11.7.2022 in *Satandeer Kumar Antil vs. Central Bureau of Investigation*, 2022 SCC Online SC 825 and *Sauden Singh vs. State of U.P.* 2022 SCC Online SC 697, in my considered view, this is a fit case to suspend execution of sentence, pending disposal of the appeal.

4. Hence the application is allowed on the following terms and conditions:-,

- i) Substantive sentence imposed against the Applicant by judgment dated 06.01.2017, passed by the Sessions Judge, Dadra & Nagar Haveli in S.C. Case No. 10 of 2013 is suspended pending hearing of the appeal;
- ii) The Applicant is ordered to be released on bail on furnishing Bail Bond in the sum of Rs.30,000/- with one or two solvent sureties in the like amount;
- iii) The applicant shall report to the Sessions Court once in two

months on the day/ date specified by the Sessions Court, Dadra & Nagar Haveli, till the Appeal is finally disposed of;

(iv) The Applicant shall not contact and or interfere with the witnesses, in any manner;

iv) The applicant shall keep the Sessions Court informed of his current address and mobile/contact numbers and/or change of residence or mobile details, if any, from time to time.

v) If there are two consecutive defaults in appearing before the Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file application seeking cancellation of bail.

. Application is accordingly disposed of.

. Parties to act on an authenticated copy of this order.

(ANUJA PRABHUDESSAI, J.)