

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

**CRIMINAL APPLICATION NO. 1291 OF 2018
IN
CRIMINAL APPEAL No.645 OF 2018**

Navnath Namdev More ...Applicant
Vs.
The State of Maharashtra & Ors. ...Respondents

**WITH
CRIMINAL APPEAL No. 646 OF 2018**

Somnath Namdev More ...Appellant
Vs.
The State of Maharashtra & Ors. ...Respondents

Mr. Ashok M. Mundargi, Senior Advocate a/w. Adv. Abhishek Arote,
Adv. Satyam Nimbalkar for the Applicant/Appellant
Ms. M. M. Deshmukh, APP for the Respondent-State

**CORAM : NITIN W. SAMBRE &
N. R. BORKAR, JJ**

DATED : 12th OCTOBER, 2023

P.C.:

CR. APPA/1291/2018

1. Heard Mr. Mundargi, learned Senior Counsel for the Applicant.
2. The Applicant/Accused No. 1-Navnath Namdeo More came to be convicted in Sessions Case No. 683 of 2010 by the judgment and order dated 03/04/2018 passed by District Judge-2 &

Additional Sessions Judge, Pune whereby Applicant was sentenced to undergo rigorous imprisonment for life.

3. We are informed by Mr. Mundargi, learned Senior Counsel that the fine is already paid.

4. The prayer in the Application is for suspension of sentence and grant of bail.

5. Our attention is invited to the judgment of the Apex Court in the matter of ***Sonadhar vs. The State of Chhattisgarh*** reported in ***2022 LiveLaw (SC) 788*** wherein the Apex Court has directed to release of the accused person post conviction having completed 10 years of sentence and in case if the Appeal is not likely to be heard.

6. Leaned APP submits that as per the State's Policy only after completion of 12 years of sentence undergone, the prayer of the Applicant can be considered and as such, sought rejection.

7. It is brought on the record that the Applicant has completed more than 11 years of imprisonment. The Appeal is pending since 2018 and the same is not likely to be heard in near future.

8. In this background, if we appreciate the law laid down by Apex Court in the matter of ***Sonadhar*** (supra), in our opinion case for consideration is made out.

9. In view of above, the Application stands allowed.
10. The sentence stands suspended.
11. The Applicant - Navnath Namdeo More be released on bail furnishing P.R. bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
12. Till the Appeal is heard, Applicant - Navnath Namdeo More shall report to the Dehu Road police station on first week of every alternate English calendar month.

(N. R. BORKAR, J)

(NITIN W. SAMBRE, J.)