

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

**INTERIM APPLICATION NO. 3949 OF 2022
IN
CRIMINAL APPEAL NO. 1005 OF 2014**

Mohammad Shafi Samiulla Shaikh ...Applicant
Versus
The State of Maharashtra ...Respondent

Ms. Payoshi Roy a/w. Adv. Glen Aloysius C. i/b. Dr. Yug Mohit Chaudhary for the Applicant.
Mr. S. V. Gavand, APP for the Respondent-State.

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

DATED : 12th OCTOBER, 2023

P.C.:

1. The Applicant came to be convicted for an offence punishable u/s. 120(B), 347, 396, 449 r/w. 34 of IPC and u/s. 37(1) (a) r/w. 135 of Bombay Police Act vide judgment and order dated 29/11/2012 by the Addl. Sessions Judge in Sessions Case No. 472 of 2010 and sentenced to suffer life imprisonment.
2. We are informed that most of the accused apart from present Applicant/Accused No. 8-Mohammad Shafi Samiulla Shaikh and Accused Nos. 2, 3 and 6 are released on bail.
3. The incriminating material against the present Applicant is that of recovery of jewellery, which the Applicant removed from

the shop of the deceased.

4. Be that as it may, we are not inclined to go into the merits of the matter as it is an admitted fact on record that the Applicant is inside the jail for last more than 13 years.

5. Having regard to the law laid down by the Apex Court in the matter of ***Sonadhar vs. State of Chhattisgarh*** reported in ***2022 LiveLaw (SC) 788***, we deem it appropriate to allow the Application thereby directing to release the Applicant-Mohammad Shafi Samiulla Shaikh by furnishing P.R. bond of Rs.25,000/- with one or two sureties of like amount.

6. The Applicant shall mark his presence before the concerned police station in first week of every alternate English calendar month after his release.

7. The Interim Application stands disposed of.

(N. R. BORKAR, J)

(NITIN W. SAMBRE, J.)