

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

**INTERIM APPLICATION NO. 1040 OF 2024
IN
CRIMINAL APPEAL NO. 419 OF 2017**

Sanjay Jagannath Malve Applicant
v/s.
The State of Maharashtra Respondent

Mr. Ritesh Thobde (through VC) a/w. Ms. Zubi Ansari i/b.
Mr. Kamran Shaikh for the Applicant.
Mr. J.P. Yagnik, APP for the State.

**CORAM: A.S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATED : 07th MAY, 2024.

P. C. :-

- 1) This is an Application for suspension of sentence and enlarging the Applicant on bail, during the pendency of the Appeal.
- 2) The Appellant is convicted by the learned Additional Sessions Judge, Pandharpur by its Judgment and Order dated 27th June, 2016 in Sessions Case No.18 of 2014, for the offences punishable under Sections 302, 341, 354-D and 452 of the Indian Penal Code and has been sentenced to suffer rigorous imprisonment for life under Section 302 of IPC. The sentences imposed upon the Applicant on other counts are directed to run concurrently by the trial Court with substantive sentence imposed under Section 302 of IPC.
- 3) Learned Advocate for the Applicant produced on record a

photocopy of the Imprisonment Certificate dated 03rd April, 2024 issued by the Superintendent, Visapur District Open Prison, Taluka Shrigonda, District Ahmednagar stating that, the Applicant has undergone actual total sentence period of 10 years, 01 month and 15 days and including the remission he has undergone 14 years, 01 month and 07 days in incarceration.

4) In view of the guidelines issued by the Hon'ble Supreme Court in the case of *Saudan Singh Vs. The State of Uttar Pradesh in Criminal Appeal No. 308 of 2022 [@ SLP (Crl.) No. 4633 of 2021], dated 25th February 2022 and the view expressed in cases of (i) Suleman Vs. The State of Uttar Pradesh, Criminal Appeal No. 491 of 2022 (Arising out of SLP (Crl) No. 1451 of 2022) dated 25th March 2022 and (ii) Dinesh @ Paul Daniel Khajekar Vs. State of Maharashtra & Anr., Criminal Appeal No. 2987 of 2023 (Arising out of S.L.P. (Crl.) No. 10320 of 2023) dated 25th September 2023, we are inclined to suspend the substantive sentence imposed upon the Applicant and release him on bail.*

4.1) Hence, the following Order :-

(i) Applicant shall be released on bail in Sessions Case No.18 of 2014 arising out of C.R.No.37/2014 registered with Mangalwedha Police Station, District Solapur on his furnishing P.R. bond in the sum of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from jail and during the pendency of the present Appeal, the Applicant shall attend Mangalwedha Police

Station, District Solapur on every first Monday of the month between 10.00 a.m. and 12.00 noon initially for a period of one year.

After end of one year, the Applicant shall attend Mangalwedha Police Station, Solapur on every 1st Monday of every 3rd Month between 10:00 a.m. and 12:00 noon. The Applicant thus shall attend Mangalwedha Police Station, Solapur four times in a year during the pendency of the present Appeal.

(iii) In case of two consecutive defaults in complying with the aforestated conditions, the Prosecution is at liberty to file an Application for cancellation of his bail.

(iv) Applicant shall inform his prospective residential address to the trial Court. The Applicant shall keep informed the trial Court of any change in his residential address and his mobile number, on which he can be contacted.

(v) Applicant shall make himself available at the time of final hearing of the Appeal.

5) Interim Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)