

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 2076 OF 2023****IN****CRIMINAL APPEAL NO. 635 OF 2015**

Salim Hayatchand Nadaf

... Applicant/Appellant

V/s.

The State of Maharashtra

... Respondent

Ms. Payoshi Roy i/b. Dr. Yug Mohit Chaudhry for Applicant/Appellant.
Mr. J.P. Yagnik, A.P.P. for Respondent-State.

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

DATE : 27th March 2024.

P.C. :

1) This is a consecutive application for suspension of sentence and enlarging the Applicant on bail.

1.1) The earlier application i.e. Criminal Application No. 1137 of 2018 preferred by the Applicant was rejected by this Court by an Order dated 10th October 2018.

2) It is an admitted fact on record that, the Applicant as of today has undergone approximately 12 years in incarceration.

2.1) 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, the Applicant is entitled to be released on bail during the pendency of Appeal.

3) Hence, the following Order.

- (i) Applicant shall be released on bail in Sessions Case No. 35 of 2010, arising out of CR No. 75 of 2010 registered with Ashta Police Station, District Sangli, on his furnishing PR. bond 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 Ashta Police Station, District Sangli, on every first Monday of the month between 10:00 am and 12:00 noon initially for a period of one year.

After end of one year, the Applicant shall attend Ashta Police Station, District Sangli, on every first Monday of the every 3rd Month between 10:00 am and 12:00 noon. The Applicant thus shall attend Ashta Police Station, District Sangli, 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 bail.

- (iv) Applicant shall inform his prospective residential address to the trial Court. Applicant shall keep informed the trial Court 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.

4) Interim Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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