

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

**INTERIM APPLICATION NO. 439 OF 2023
IN
CRIMINAL APPEAL NO.1157 OF 2015**

Janardhan Baban Bhopi

.. Applicant

v/s.

State Of Maharashtra

.. Respondent

**WITH
CRIMINAL APPEAL NO. 685 OF 2017
WITH
CRIMINAL APPEAL NO.1157 OF 2015**

Mr. Sushil A. Inamdar for the Applicant in IA/439/2023.

Mr. S.V. Gavand, APP for the Respondent-State.

**JYOTI
RAJESH
MANE**

Digitally signed
by JYOTI RAJESH
MANE
Date: 2024.03.19
11:37:08 +0530

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

DATE : 15th MARCH, 2024.

P.C. :

1) This is a successive application for suspension of sentence and enlargement on bail by the Applicant/ Original Accused No.3. The earlier application preferred by the Applicant bearing Criminal Application No.1568/2015 was dismissed on merits.

2) Record indicates that, the Applicant is arrested in the present crime on 28th November 2011 and except his release on Covid-19 emergency Parole leave, he is continuously behind the bars. That, the Applicant has undergone more than 10 years in actual incarceration as of

today.

3) 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.

4) Hence, the following Order.

- (i) Applicant shall be released on bail in Sessions Case No. 111 of 2012 arising out of C.R. No.I-45 of 2011 registered with Kulgaon Police Station, District Thane (Rural), on his furnishing P.R. 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 Kulgaon Police Station, District Thane (Rural), 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 Kulgaon Police Station, District Thane (Rural), on every first Monday of the every 3rd Month between 10.00 am and 12.00 noon. The Applicant thus shall attend Kulgaon Police Station, District Thane (Rural), 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.
- 5) Interim Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)