

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1257 OF 2024****IN****CRIMINAL APPEAL NO. 217 OF 2017**

Pradip @ Barkya Dashrath Patil

.....Applicant

Vs.

The State Of Maharashtra

.....Respondent

Dr. Yug Mohit Chaudhry a/w Anush Shetty for the Applicant.

Mr. Ajay Patil APP, for the Respondent-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 1st APRIL, 2024.****PC:-**

1) This is a successive Application for suspension of sentence and releasing the Applicant on bail. Record indicates that, the earlier Application i.e. Criminal Application No.295 of 2017 preferred by the Applicant along with co-accused was rejected by this Court by an Order dated 13th July, 2017. By the said Order, the hearing of Appeal is expedited.

2) It is a matter of fact on record that the Applicant has undergone incarceration for a period of more than 10 years and 7 months. In view of the assignment of this Court, the possibility of hearing of the substantive Appeal preferred by the Applicant in near future is bleak and on this ground alone the Applicant deserves to be released on bail during the pendency of the Appeal.

3) Dr. Chaudhary, learned counsel appearing for the Applicant submitted that, the co-accused Dinesh B. Pawar has been directed to be released on bail by an Order dated 9th January, 2024 by this Court. He on instructions submitted that, there are no antecedents at the discredit of the Applicant.

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

Hence, the following order:-

ORDER

- (i) Applicant shall be released on bail in Sessions case No.565 of 2013 arising out of C.R. No.I-167 of 2013 registered with Shil-Dayghar Police Station, District Thane, on his furnishing P.R. bond of Rs.50,000/- with one or more solvent local sureties to make up the

amount.

- (ii) The procedure of furnishing bail bond and sureties be completed before the trial Court.
- (iii) After his release from jail and during the pendency of the present Appeal, the Applicant shall attend Shil-Dayghar Police Station, District Thane, 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 Shil-Dayghar Police Station, District Thane, on every first Monday of the every 3rd Month between 10.00 am and 12.00 noon. The Applicant thus shall attend Shil-Dayghar Police Station, District Thane, four times in a year during the pendency of the present Appeal.

- (iv) Applicant shall make himself available at the time of final hearing of the Appeal.
- 5) Interim Application is allowed in the aforesaid terms.
- 6) All the concerned to act on the basis of an authenticated copy of this Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)