

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

**INTERIM APPLICATION NO.732 OF 2024
IN
CRIMINAL APPEAL NO.452 OF 2019**

Nareshkumar Vishnu Sahu	.. Applicant
vs.	
The State of Maharashtra	.. Respondent

Mr. Nitin H. Sejpal with Mrs.Pooja N. Sejpal with Mr. Akshata Desai and
Mr.Kurnal Thakkar for the Applicant/Appellant.
Mr. S. V. Gavand APP for the Respondent-State.

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

DATE : 28th MARCH 2024

P. C.:-

- 1) By this Application, Applicant is seeking suspension of sentence and being released on bail.
- 2) Applicant is convicted under Section 302 of I.P.C. by the learned Sessions Judge, Thane, in Sessions Case No.549 of 2014, by its Judgment and Order dated 21st November 2018.
- 3) It is an admitted fact on record that, since date of his arrest i.e. 14th February 2013, the Applicant is behind bars and as of today has undergone more than 10 years in incarceration.

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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.

5) Hence, the following Order.

- (i) During the pendency of the Appeal, the substantive sentence imposed upon the Applicant is suspended.
- (ii) Applicant shall be released on bail in Sessions Case No.549 of 2014, arising out of C.R. No.36 of 2014 registered with Turbhe Police Station, District Thane, on his furnishing PR. bond of Rs.25,000/- with one or two local sureties in the like amount.
- (iii) After his release from Jail and during the pendency of the present Appeal, the Applicant shall attend Turbhe Police Station, District Thane 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 Turbhe 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 Turbhe Police Station, District Thane, four times in a year during the pendency of the present Appeal.

(iv) 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.

6) Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK,J.)

(A. S. GADKARI, J.)