

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO.854 OF 2024****IN****CRIMINAL APPEAL NO.55 OF 2019**

Sushil Lalchand Yadav

.....Applicant

Vs.

The State Of Maharashtra

.....Respondent

Mrs Nasreen Ayubi for the Applicant.

Mr. J.P. Yagnik APP for the Respondent-State.

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**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.
DATE : 7th MARCH, 2024.**

P.C.:-

1) This is an application for suspension of sentence and releasing the Applicant on bail.

1.1) Applicant is convicted under Section 302 of the Indian Penal Code and sentenced to suffer imprisonment for life by the learned Additional Sessions Judge, Thane in Sessions Case No.280 of 2014. The case of prosecution is based on circumstantial evidence. Admittedly, the accused is behind bars since 15th January 2014 and as on today has undergone more than 10 years in incarceration.

2) 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 (CrI) 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. (CrI.) 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. 280 of 2014 @ Sessions Case No. 280 of 2014, arising out of CR No.09 of 2014 registered with Bhiwandi Taluka Police Station, Thane, 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 Bhiwandi Taluka Police Station, 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 Bhiwandi Taluka Police Station, Thane, on every first Monday of the every 3rd Month between 10:00 am and 12:00 noon. The Applicant thus shall attend Bhiwandi Taluka Police Station, Thane, 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.)