

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

**INTERIM APPLICATION NO. 854 OF 2021
IN
CRIMINAL APPEAL NO. 589 OF 2021**

Tausif Jahangir Ali @ Amit

.... Applicant

v/s.

The State of Maharashtra

.... Respondent

Mr. Pawan Mali for the Applicant.

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

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

DATED : 28th FEBRUARY, 2024.

P. C. :-

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

2) The Applicant is convicted for offences punishable under Sections 302 and 201 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for life by the learned Sessions Judge, Raigad-Alibag in Sessions Case No.149/2014.

3) The prosecution case is based on circumstantial evidence. Prima facie, it appears that, the material witnesses who allegedly saw the Applicant carrying on his shoulder a white gunny bag allegedly containing the dead body of deceased – Nilesh Das, have not been examined by the prosecution.

**JYOTI
RAJESH
MANE**

Digitally signed
by JYOTI
RAJESH MANE
Date:
2024.03.06
15:18:53 +0530

4) A strong motive is propounded against the Applicant that, he was having illicit relation with the original accused no.2, who was the wife of the deceased. Applicant was arrested on 26th February, 2014 and when he was in police custody, the weapon used in the present crime i.e. a knife has been recovered at his instance on 03rd March, 2014.

5) Learned Advocate for the Applicant submitted that, the Chemical Analysis Report mentions that, the blood-stained found on the knife could not be conclusively proved to be that of the deceased and therefore the said circumstance is a weak piece of evidence against the Applicant.

6) Apart from the aforestated facts, it is to be noted that, the Applicant has been arrested on 28th February, 2014 and as of today, he has undergone 10 years in incarceration.

7) In view of the aforenoted facts and in view of the guidelines issued by the Hon'ble Supreme Court in the case of Saudan Singh v/s. 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 v/s. 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 v/s. 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.

8) In view of the above, during the pendency of the present Appeal, the substantive sentence imposed upon the Applicant is suspended and he is released on bail on the following terms and conditions :-

(i) The Applicant shall be released on bail in Sessions Case No.149/2014 arising out of C.R.No.I-80 of 2014 registered with Panvel City Town Police Station, Raigad on furnishing P.R. bond in the sum 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 Panvel City Town Police Station, Raigad 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 Panvel City Town Police Station, Raigad on every 1st Monday of every 3rd Month between 10:00 a.m. and 12:00 noon. The Applicant thus shall attend Panvel City Town Police Station, Raigad 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 his bail.

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

9) Interim Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)