

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

**INTERIM APPLICATION NO. 960 OF 2024
IN
CRIMINAL APPEAL NO. 1052 OF 2015**

Chamya @ Avinash Uttamkamble .. Applicant
v/s.
State Of Maharashtra .. Respondent

Ms. Payoshi Roy for the Applicant.
Mr. Ajay Patil, APP for the Respondent-State.

**CORAM : A. S. GADKARI &
SHYAM C. CHANDAK, JJ.
DATE : 30th APRIL, 2024.**

PC. :

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

1.1) The earlier Application preferred by the Applicant bearing Cr.Application No.1269/15 was dismissed by a speaking Order dated 21st December 2015, by the co-ordinate Bench.

3) Record indicates that, since the date of his arrest i.e. 25th August 2013, the Applicant is behind the bars and as of today has undergone more than 10 years in actual incarceration.

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

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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) Applicant shall be released on bail in Sessions Case No. 962 of 2013 arising out of C.R. No. 355 of 2013 registered with Yerwada Police Station, District Pune, 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 Yerwada Police Station, District Pune, 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 Yerwada Police Station, District Pune, on every first Monday of the every 3rd Month between 10.00 am and 12.00 noon. The Applicant thus shall attend Yerwada

Police Station, District Pune, four times in a year during the pendency of the present Appeal.

(iii) In case of two consecutive defaults in complying with the aforesaid 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.

6) Interim Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)