

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1063 OF 2024****IN****CRIMINAL APPEAL NO. 124 OF 2017**

Avinash @ Suraj Ashok Singh

.....Applicant

Vs.

The State Of Maharashtra

.....Respondent

Mr. Ravishankar Dwivedi a/w Adv. Sainath S. Baji for the Applicant.

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

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 17th APRIL, 2024.****P.C.:-**

- 1) This is an Application for suspension of sentence and enlarging the Applicant on bail.
- 2) Applicant is convicted under Section 302 of the Indian Penal Code by the learned Additional Sessions Judge, Greater Mumbai in Sessions Case No. 27 of 2014 arising out of C.R. No. 433 of 2013 registered with Pant Nagar Police Station, Mumbai and is sentenced to undergo rigorous imprisonment for life.
- 3) Record indicates that, the Applicant was arrested on 31st October, 2013 and as of today has undergone more than 10 years and 6

months in actual in incarceration.

4) In view of the Guidelines issued by the Hon'ble Supreme Court in the case of *Saudan Singh Vs. State of Uttar Pradesh, 2022 SCC OnLine SC 697* and the view expressed in cases of (i) *Suleman Vs. The State of Uttar Pradesh, 2022 SCC OnLine SC 714*, (ii) *Sonadhar Vs. The State of Chhattisgarh, Petition(s) for Special Leave to Appeal (Crl.) No(s). 529 of 2021 dated 15th September, 2022* and (iii) *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:-

- (a) Applicant shall be released on bail in Sessions Case No. 27 of 2014 arising out of C.R. No. 433 of 2013 registered with Pant Nagar Police Station, Mumbai on his furnishing PR. bond of Rs.25,000/- with one or two local sureties in the like amount.
- (b) After his release from Jail and during the pendency of the present Appeal, the Applicant shall attend Pant Nagar Police Station, Mumbai 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 Pant Nagar Police Station, Mumbai on every first Monday of the every 3rd Month between 10:00 am and 12:00 noon. The Applicant thus shall attend Pant Nagar Police Station, Mumbai, four times in a year during the pendency of the present Appeal.

- (c) 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.
 - (d) 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.
 - (e) 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.)

SANJIV
SHARNAPPA
MASHALKAR

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by SANJIV
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