

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1198 OF 2023****IN****CRIMINAL APPEAL NO. 576 OF 2023**

Shantilal Tanha Ozare

.....Applicant

Vs.

State Of Maharashtra

.....Respondent

Adv. Nasreen Ayubi for the Applicant.

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

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 29th JANUARY, 2024.****P.C.:-**

- 1) This is an Application for suspension of sentence and releasing the Applicant on bail.
- 2) It is an admitted fact on record that, since the date of his arrest i.e. from 10th February, 2013, the Applicant is behind bars approximately for the period of 11 years.
- 3) Considering the views expressed by the Hon'ble Supreme Court in the cases of (i) *Saudan Singh Vs. State of Uttar Pradesh [2022 SCC Online SC 697]*; (ii) *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 (iii) *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.

4) Hence, the following Order:-

- (a) During the pendency of present Appeal, Applicant be released on bail in Sessions Case No.44 of 2013 arising out of C.R. No.I-24 of 2013 registered with Talasari Police Station, Palghar on his furnishing P.R. bond of Rs.20,000/- with one or more local sureties to make up the amount;
- (b) After his release from jail and during the pendency of the Appeal, Applicant shall attend Talasari Police Station, Palghar on every first Monday of the month between 10.00 am and 12 noon, initially for a period of one year and thereafter on every first Monday of every third calendar month i.e. four times in a year between 10.00 am and 12 noon;
- (c) Applicant shall inform his prospective residential address to the trial Court. Applicant shall keep informed the trial Court any changes in his residential address and his mobile number, on which he can be contacted.

- (d) If there are two consecutive defaults in marking presency as directed in para (b) above, the prosecution will be at liberty to file Application for cancellation of bail.
- (e) Applicant shall make himself available at the time of final hearing of the Appeal.
- 5) Application is allowed in the aforesaid terms.
- 6) All the concerned to act on the basis of an authenticated copy of this Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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by SANJIV
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