

**VAISHALI
ANIL
TIKAM**

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

INTERIM APPLICATION NO. 1325 OF 2022.

IN

CRIMINAL APPEAL NO.1176 OF 2019

Tushar Tanaji Nimhan & Anr.

.. Applicants

vs.

The State of Maharashtra

.. Respondent

Mr. Abhijeet A. Desai a/w. Mr.Karan Gajra, Ms. Sanchita Sontakke, Mr. Digvijay Kachare, Mr. Vinay Singh, Ms. Daksha Purghera for Applicants.
Mr. J.P Yagnik, APP for the State-Respondent.
Mr. Vikas Shivarkar for Appellant in Appeal No. 297 of 2021.
PSI Shamal Patil, Chaturshringi Police Station, Pune City present.

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

DATE : 25th JANUARY, 2024

P.C.:-

1) It is an admitted fact on record that, the Applicants are behind bars since the date of their arrest i.e. on 14th April, 2013 and have undergone more than 10 years and 10 months in incarceration. Co-accused namely Munna @ Digvijay Sambhaji Nimhan has been released on bail by the Co-ordinate Bench of this Court vide its Judgment and Order dated 13th May, 2021.

2) The view 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 Applicants are entitled to be released on bail during the pendency of their Appeals.

3) Hence, following Order:

(i) Applicants shall be released on bail in Sessions Case No. 652 of 2013 arising out of C.R. No. 143/2013 registered with Chaturshringi Police Station, District Pune, on their furnishing P.R. bond of Rs.50,000/- each with one or two solvent local sureties in the like amount.

(ii) After their release from Jail and during the pendency of the present Appeal, the Applicants shall attend Chaturshringi Police Station, Dist. 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 Applicants shall attend Chaturshringi Police Station, District Pune on every first Monday of the every 3rd month between 10.00 am and 12.00 noon. The Applicants thus shall attend Chaturshringi 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.

4) Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)