

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

**INTERIM APPLICATION NO. 1622 OF 2024
IN
CRIMINAL APPEAL NO. 894 OF 2017**

Avinash Mahadeo Ghodke

.... Applicant

v/s.

The State of Maharashtra

.... Respondent

Mr. Shailesh Chavan a/w. Mr. S.P. Sahane and Mr. Hrishikesh Avhad
for the Applicant.

Mr. Vinod Chate, APP for the State.

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

DATED : 22nd APRIL, 2024.

P. C. :-

- 1) This is the successive Application for suspension of sentence and enlarging the Applicant on bail.
- 2) The 1st Application preferred by the Applicant being Criminal Application No.1748 of 2017 was disposed off as withdrawn by this Court by an Order dated 13th June, 2018. The 2nd Application for bail preferred by the Applicant was rejected on merits by a speaking Order dated 22nd July, 2019.
- 3) As per the Certificate of Imprisonment issued by the Superintendent, Yerwada Open District Prison, Class-I, Pune dated 16th March, 2024 the Applicant as of that date, has undergone 10 years, 02 months and 28 days 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 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) In view thereof, during the pendency of present Appeal, the substantive sentence imposed upon the Applicant, is suspended and he is released on bail on the following terms and conditions :-

(i) Applicant shall be released on bail in Sessions Case No.397 of 2013 arising out of C.R.No.359/2012 registered with Sahakarnagar Police Station, Pune, on his 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 Sahakarnagar Police Station, Dist. Pune 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 Sahakarnagar Police Station, Dist. Pune on every 1st Monday of

every 3rd Month between 10:00 a.m. and 12:00 noon. The Applicant thus shall attend Sahakarnagar Police Station, Dist. Pune 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.

6) Interim Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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