

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1834 OF 2024****IN****CRIMINAL APPEAL NO. 802 OF 2016**

Sharafatali Liyakatali Shaikh

... Applicant/Appellant

V/s.

The State of Maharashtra

... Respondent

Mr. Mohammed Ahmed for Applicant/Appellant.

Smt. M.M. Deshmukh, A.P.P. for Respondent-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 10th May 2024.****P.C. :**

(1) This is an Application for suspension of sentence and enlarging on bail by the Applicant-original Accused No.1.

(2) Applicant is convicted under Section 302 of the Indian Penal Code by the learned Sessions Judge for Greater Bombay in Sessions Case No.791 of 2013.

(3) Record indicates that, the Applicant is behind bars since the date of his arrest, i.e. 31st May, 2013 and as of today has undergone approximately more than 10 years and 6 months. The said fact is not disputed by the Respondent-State.

(4) In view of the guidelines issued by the Hon'ble Supreme Court in

the case of Saudan Singh v/s. 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 v/s. 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 v/s. 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 of the above, during the pendency of the present Appeal, the substantive sentence imposed upon the Applicant is suspended and he is released on bail on the following terms and conditions :-

(i) The Applicant shall be released on bail in Sessions Case No.791 of 2013 arising out of C.R.No.177/2013 registered with Shivaji Nagar Police Station, Mumbai, on his furnishing PR. bond in the sum of Rs.25,000/- with one or two separate local sureties in the like amount.

(ii) After his release from jail and during the pendency of the present Appeal, the Applicant shall attend Shivaji Nagar Police Station, Mumbai, 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 Shivaji Nagar Police Station, Mumbai, on every 1st Monday of every 3rd Month between 10:00 a.m. and 12:00 noon. The Applicant thus shall attend Shivaji Nagar Police Station, Mumbai, 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.)

RAJESH
VASANT
CHITTEWAN

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