

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

**INTERIM APPLICATION NO.1981 OF 2023
IN
CRIMINAL APPEAL NO.788 OF 2023**

Ajay Jeetnarayan Singh	.. Applicant
vs.	
State of Maharashtra & Anr.	.. Respondents

Mr. Shirish Sawant with Sonal V. Parab i/b Rajeev Sawant & Associates for the Applicant.

Mr. J. P. Yagnik APP for the Respondent No.1-State.

Mr. Kunal Tiwari i/b K. Juris Law Firm for the Respondent No.2.

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

DATE : 9th JANUARY, 2024.

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P. C.:-

1) Applicant-Original accused No.4 in Sessions Case No.84 of 2013, has preferred aforestated application for suspension of sentence and releasing him on bail.

Applicant is convicted by the learned Additional Sessions Judge, Borivali Division, Dindoshi, Mumbai in Sessions Case No.84 of 2013, by its impugned Judgment and Order dated 30th May, 2022 under Section 302 read with 34 of the Indian Penal Code (for short “IPC”) and other related Sections of the IPC and sentenced to suffer imprisonment for life and also to

pay fine, as more specifically stated in the operative part of the said impugned Judgment and Order.

2) Record indicates that, the co-accused Nos.2, 3 and 5 have been released on bail by this Court by its Orders dated 28th April 2023, 4th August 2022 and 1st December 2022, respectively. The material available on record against the said accused persons and qua the Applicant is same or similar. Apart from the circumstance of last seen together and recoveries at the instance of all the accused persons, there are two additional circumstances against the Applicant i.e. witness P.W.12 saw the Applicant washing the Innova vehicle after alleged commission of the offence and recovery of a baton which was allegedly used by the Applicant in commission of the said crime, i.e. for the murder of Mahesh Shukla in the intervening night of 17th December, 2012 to 18th December, 2012. Apart from the said two additional circumstances as noted earlier the material available on record against the Applicant and the other accused persons, who have been released on the bail is same and/or similar.

3) Apart from the aforestated fact, the record indicates that since the date of his arrest i.e. 17th December, 2012, the Applicant is behind bars and has undergone incarceration for more than 11 years. The likelihood of hearing of present Appeal finally in near future is bleak and therefore the

Applicant deserves to be released on bail.

Hence, the following order :

- (i) Applicant be enlarged on bail on his furnishing P.R. bond in the sum of Rs.25,000/- with one or two solvent local sureties to make up the amount.
 - (ii) Applicant shall report to the trial Court, once in three months on the day/date specified by the trial Court, till his Appeal is finally disposed off.
 - (iii) Applicant shall keep the trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.
 - (iv) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.
- 5) Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK,J.)

(A. S. GADKARI, J.)