

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

**INTERIM APPLICATION NO. 1776 OF 2022
IN
CRIMINAL APPEAL NO. 445 OF 2021**

Ganesh @ Hanumant Dhondiba Nanaware	 Applicant
Vs.	
The State of Maharashtra	 Respondent

Mr. Vikas Shivarkar for the Applicant.
Mr. S.V. Gavand, APP for the State.

**CORAM: A.S. GADKARI AND
SHYAM C. CHANDAK, JJ.
DATED : 22nd FEBRUARY, 2024.**

PC. :-

- 1) This is an Application for suspension of sentence and releasing the Applicant on bail.
- 2) Heard Mr. Shivarkar, learned Advocate for the Applicant and Mr. Gavand, learned APP for the Respondent-State. Perused record.
- 3) Applicant is convicted under Sections 302, 363, 364 and 201 r/w Section 34 of the Indian Penal Code and is sentenced to suffer maximum imprisonment for life and to pay total fine of Rs.35,000/-, in default of payment of fine, to suffer further simple imprisonment for 22 months by the learned Additional Sessions Judge, Pune in Sessions Case No.436 of 2007. The trial Court has further directed all the sentences shall run concurrently.
- 4) Mr. Shivarkar, learned Advocate for the Applicant submitted that, the case of the Applicant is based on circumstantial evidence. That, the Applicant was an under-trial prisoner for more than 10 years and as per the

Imprisonment Certificate dated 10th November, 2023 issued by the Superintendent, Nashik Road Central Prison, as of today the Applicant has undergone approximately 13 years and 3 months in incarceration.

5) 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.

6) In view of the above, during the pendency of the present Appeal, the substantive sentence imposed upon the Applicant is suspended and he be released on bail on the following terms and conditions :-

- (i) Applicant shall be released on bail in Sessions Case No.436 of 2007 arising out of CR No.152 of 2007 registered with Wanawadi Police Station, District Pune, on furnishing PR. 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 Wanawadi Police Station, District 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 Wanawadi Police Station, Pune on every 1st Monday of every 3rd Month between 10:00 a.m. and 12:00 noon. The Applicant thus shall attend Wanawadi Police Station, 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 keep inform his prospective residential address to the trial Court. The Applicant shall also keep inform 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.

7) Interim Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)