

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

**INTERIM APPLICATION NO. 2137 OF 2023
IN
CRIMINAL APPEAL NO. 372 OF 2019**

Juber Jalal Kureshi	.. Applicant
v/s.	
The State Of Maharashtra	.. Respondent

Ms. Shifa Khan i/b. Khan Abdul Wahab for the Applicant.
Mr. J.P. Yagnik, APP for the Respondent-State.

**CORAM : A. S. GADKARI &
SHYAM C. CHANDAK, JJ.
DATE : 16th APRIL, 2024.**

P.C. :

- 1) This is an application by Accused No.1 in Sessions Case No.10/2014 , for suspension of sentence and enlarging him on bail.
- 2) Applicant is convicted under Section 302 and 397 r/w. 34 of the I.P.C. and sentenced to suffer rigorous imprisonment for life by the learned Additional Sessions Judge Raigad, Alibag by its Judgment and Order dated 24th January 2019.
- 3) It is an admitted fact on record that, since the date of his arrest i.e. on 3rd September 2013, the Applicant is behind the bars and as of today undergone about 10 years and 7 months in incarceration.
- 4) Learned Advocate for the Applicant on instructions submitted

**JYOTI
RAJESH
MANE**

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that, the Applicant was not granted benefit of the Covid-19 Emergency Parole and therefore as of today he has undergone the said incarceration of 10 years and 7 months.

5) 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.

5.1) Hence, the following Order.

- (i) Applicant shall be released on bail in Sessions Case No. 10 of 2014 arising out of C.R. No. I-257 of 2013 registered with Panvel City Police Station, District Raigad, on his furnishing PR. bond of Rs.50,000/- 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 Panvel City Police Station, District Raigad, 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 Applicant shall attend Panvel City Police Station, District Raigad, on every first Monday of the every 3rd Month between 10.00 am and 12.00 noon. The Applicant thus shall attend Panvel City Police Station, District Raigad, 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 bail.
 - (iv) Applicant shall inform his prospective residential address to the trial Court. Applicant shall keep informed the trial Court 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.)