

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2782 OF 2022

IN

CRIMINAL APPEAL NO. 179 OF 2017

Vijaykumar Siddhaling Dudhal

.....Applicant

Vs.

The State Of Maharashtra

.....Respondent

None for the Applicant.

Mr. J.P. Yagnik APP, for the Respondent-State.

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

DATE : 8th FEBRUARY, 2024.

P.C.:-

- 1) This is an Application for suspension of sentence and releasing the Applicant on bail.
- 2) As per the instructions received by the learned APP, the Applicant as of today has undergone approximately 12 years in incarceration.
- 3) 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.

4) Hence, the following Order.

- (i) Applicant shall be released on bail in Sessions Case No. 720 of 2011 arising out of CR No. 179 of 2011 registered with Vishrantwadi Police Station, Pune, on his furnishing P.R. bond 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 Vishrantwadi Police Station, Pune, 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 Vishrantwadi Police Station, Pune on every first Monday of the every 3rd Month between 10.00 am and 12.00 noon. The Applicant thus shall attend Vishrantwadi 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 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.
- 5) Interim Application is allowed in the aforesaid terms.
- 6) The Registrar (Judicial-II) is directed to communicate this Order to the Applicant who as per record is currently lodged in Yerwada Open Prison, Pune, expeditiously.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

Digitally signed
by SANJIV
SHARNAPPA
MASHALKAR
Date:
2024.02.12
19:17:42 +0530