

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO.3274 of 2022****IN****CRIMINAL APPEAL NO. 396 OF 2022**

Arvind Pradip Chavan @ Chintu
@ Arvind Narayan Chavan
V/s.

... Applicant

The State of Maharashtra

... Respondent

Mr. Advait Tamhankar for Applicant.
Mr. J.P. Yagnik, APP for Respondent-State.

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

DATE : 21st February 2024

P.C. :

- 1) This is an application for suspension of sentence and release on bail, by the original Accused No.2.
- 2) Heard Mr. Tamhankar, learned counsel for Applicant and Mr. Yagnik, learned A.P.P. for Respondent-State. Perused record.
- 3) It is an admitted fact on record that, since the date of his arrest, i.e. 6th May, 2011, the Applicant is behind bars and as of today, he is in incarceration for more than twelve and half years.
- 4) 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) Hence, the following Order.

- (i) Applicant-original Accused No.2 shall be released on bail in M.C.O.C. Special Case No.2 of 2014 along with M.C.O.C. Special Case No.3 of 2014, arising out of C.R. No.I-36 of 2011, registered with Indiranagar Police Station, Nashik (corresponding C.R. No.49 of 2011 registered with D.C.B., C.I.D., Mumbai), on his furnishing P.R. 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 Office of D.C.B., C.I.D., Mumbai, 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 Office of D.C.B., C.I.D., Mumbai on every first Monday of the every 3rd Month between 10:00 am and 12:00 noon. The Applicant thus shall attend Office of D.C.B., C.I.D., Mumbai, four times in a year during the pendency of the present Appeal.

- (iii) In case of two consecutive defaults in complying with the aforesaid 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.)

RAJESH
VASANT
CHITTEWAN

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