

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 3530 OF 2023****IN****CRIMINAL APPEAL NO. 362 OF 2015**

Bond @ Arun Suresh @ Ashok Gaikwad ... Applicant

V/s.

The State of Maharashtra & Anr. ... Respondents

Mr. S.T. Pandey a/w Ms. Anima Mishra, Mr. Nagesh Avhad, Ms. Kajal Upadhyay and Mr. Anuj singh i/b SBG Law for Applicant.

Mr. S. V. Gavand, APP for Respondent No.1-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 releasing on bail by the original Accused No.1.
- 2) Heard Mr. Pandey, learned counsel for Applicant and Mr. Gavand, learned A.P.P. for Respondent No.1-State. Perused record.
- 3) Applicant is convicted under Section 302 read with 34 of the Indian Penal Code for committing murder of deceased Gokul on 12th March 2012. An earlier application filed by the Applicant was rejected by this Court by Order dated 8th April 2015. By the same Order, Accused No.2 Jitya @ Yogesh Shantilal Bairagi was directed to be released on bail.
- 4) It is an admitted fact on record that, Applicant is behind bars

since the date of his arrest on 12th March 2012 and as of today, has undergone approximately 11 years and 10 months in incarceration.

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.

6) Hence, the following Order :-

The substantive sentence of imprisonment of the Applicant is suspended, pending the decision of the Appeal and the Applicant is released on bail on his executing a PR bond in the sum of Rs.50,000/- with one or two sureties in the like amount to the satisfaction of the trial Court. Applicant shall attend Adgaon Police Station, Nashik, once in three months, i.e. on first Saturday of the quarter between 08.00 a.m. to 9.00 a.m. till the decision of the Appeal.

7) Application is thus allowed as indicated above.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)