

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3768 OF 2022.

IN

CRIMINAL APPEAL NO. 263 OF 2019.

Mauli @ Dnyaneshwar S. Gunjal .. Applicant

vs.

State of Maharashtra .. Respondent

Mr. Bharat Gadhavi a/w. Janki Patil a/w. Sarvesh Deshpande for the Applicant.

Mr. S.V. Gavand, APP for the Respondent-State.

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

DATE : 1st FEBRUARY, 2024

P. C.:-

1) This is an Application for suspension of sentence and releasing the Applicant on bail.

2) Heard Mr. Gadhvi, learned Counsel for the Applicant and Mr.Gavand, learned APP for Respondent -State. Perused record.

3) It is an admitted fact on record that, since the date of his arrest i.e. 16th June, 2011 the Applicant is behind bars and as of today has undergone more than 12 years in incarceration.

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.

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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 shall be released on bail in Special MCOC Case No. 1/2011 arising out of CR No. 113 of 2011 registered with Shirdi Police Station, on his furnishing P.R. bond of Rs.50,000/- with one or two solven local sureties in the like amount.
- (ii) After his release from Jail and during the pendency of the present Appeal, the Applicant shall attend Shirdi Police Station, District Ahmednagar 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 Shirdi Police Station, District Ahmednagar on every first Monday of every 3rd month between 10.00 am and 12.00 noon. The

Applicant thus shall attend Shridi Police Station, District Ahmednagar, 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 may 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.)