

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO.3657 OF 2023****IN****CRIMINAL APPEAL NO.1181 OF 2023**

Bhimraj Gopinath Pagare

... Appellant/Appellant

V/s.

The State of Maharashtra

... Respondent

Mr. Prashant D. Patil for Applicant/Appellant.

Ms. M.M. Deshmukh, A.P.P. for Respondent-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 2nd May 2024.****P.C. :**

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

(2) Learned Advocate for Applicant submitted that, since the date of his arrest, i.e. 14th January, 2005, Applicant is behind bars and as of today has undergone more than 18 years of in actual incarceration. The said statement has not been contradicted by the State.

(3) In view of the guidelines issued by the Hon'ble Supreme Court in the case of Saudan Singh v/s. 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 v/s. 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 v/s. 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) In view of the above, during the pendency of the present Appeal, the substantive sentence imposed upon the Applicant is suspended and he is released on bail on the following terms and conditions :-

(i) The Applicant shall be released on bail in Sessions Case No.35 of 2005 arising out of C.R.No.04/2005 registered with Yeola Police Station, Tal. Yeola, District. Nashik, on his furnishing P.R. bond in the sum of Rs.25,000/- each with one or two separate 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 Yeola Police Station, Tal. Yeola, District. Nashik, on every first Monday of the month between 10.00 a.m. and 12.00 noon initially for a period of one year.

After end of one year, the Applicant shall attend Yeola Police Station, Tal. Yeola, District. Nashik, on every 1st Monday

of every 3rd Month between 10:00 a.m. and 12:00 noon. The Applicant thus shall attend Yeola Police Station, Tal. Yeola, District. Nashik, 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 his bail.

(iv) Applicant shall inform his prospective residential address to the trial Court. The Applicant shall keep informed the trial Court of 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.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

RAJESH
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