

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 4054 OF 2022****IN****CRIMINAL APPEAL NO. 474 OF 2019**

Shoeb Mehtab Ali

.....Applicant

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Nitin Sejpal a/w Mr. Siddharth Gharat, Ms. Akshata Desai and Mr. Krunal Thakkar for the Applicant.

Mr. S.V. Gavand APB for the Respondent-State.

Mr. Virendra Pethe for the Respondent No.2.

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

DATE : 17th APRIL, 2024.

P.C.:-

1) This is an Application for suspension of sentence and releasing the Applicant on bail in Sessions Case No.120 of 2013, arising out of C.R. No.I-51 of 2013, registered with Khandeshwar Police Station, District Raigad. Applicant and other two co-accused are convicted under Sections 302, 397 and 201 read with 34 of the Indian Penal Code and are sentenced to undergo rigorous imprisonment for life by the learned Additional Sessions Judge, Raigad-Alibag.

2) Record indicates that, the co-accused Nilesh Mhaskar (Accused No.3) has been released on bail by this Court by its Order dated 11th June,

2019. The said Order was challenged by the first informant before the Hon'ble Supreme Court. The Hon'ble Supreme Court by its Order dated 3rd February, 2020 did not interfere with the said Order dated 11th June, 2019 passed by this Court.

3) Applicant is arrested on 1st July, 2013 and as of today has undergone more than 10 years and 6 months in incarceration.

4) In view of the Guidelines issued by the Hon'ble Supreme Court in the case of *Saudan Singh Vs. State of Uttar Pradesh, 2022 SCC OnLine SC 697* and the view expressed in cases of (i) *Suleman Vs. The State of Uttar Pradesh, 2022 SCC OnLine SC 714*, (ii) *Sonadhar Vs. The State of Chhattisgarh, Petition(s) for Special Leave to Appeal (Crl.) No(s). 529 of 2021 dated 15th September, 2022* and (iii) *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:-

(a) Applicant shall be released on bail in Sessions Case No.120 of 2013 arising out of C.R. No.I-51 of 2013 registered with Khandeshwar Police Station, District Raigad on his furnishing PR. bond of Rs.25,000/- with one or two local sureties in the like amount.

(b) After his release from Jail and during the pendency of the

present Appeal, the Applicant shall attend Khandeshwar Police Station, District Raigad 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 Khandeshwar Police Station, District Raigad on every first Monday of the every 3rd Month between 10:00 am and 12:00 noon. The Applicant thus shall attend Khandeshwar Police Station, District Raigad, four times in a year during the pendency of the present Appeal.

- (c) 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.
 - (d) 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.
 - (e) 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.)