

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 4229 OF 2023****IN****CRIMINAL APPEAL NO. 516 OF 2019**

Suresh Maruti Kamble

.....Applicant

Vs.

State Of Maharashtra

.....Respondent

Mr. Santosh Deshpande for the Applicant.

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

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 1st APRIL, 2024.****P.C.:-**

- 1) This is an Application for suspension of sentence and enlarging the Applicant on bail.
- 2) Applicant is convicted under Sections 302 of the Indian Penal Code and is sentenced to suffer imprisonment for life, by the learned Additional Sessions Judge, City Civil Court, Mumbai in Sessions case No.1133 of 2013 arising out of C.R. No.288 of 2013 registered with Tilak Nagar Police Station, Mumbai.
- 3) It is an admitted fact on record that, the Applicant is behind bars since the date of his arrest i.e. from 10th September, 2013 and as of

today has undergone more than 10 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. 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.

Hence, the following order:-

ORDER

- (i) Applicant shall be released on bail in Sessions case No.1133 of 2013 arising out of C.R. No.288 of 2013 registered with Tilak Nagar Police Station, Mumbai, on his furnishing PR. bond of Rs.25,000/- with one or two local sureties in the like amount.
- (ii) After his release from Jail and during the pendency of the present Appeal, the Applicant shall attend Tilak Nagar Police Station, Mumbai, 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 Tilak Nagar Police Station, Mumbai, on every first Monday of the every 3rd Month between 10.00 am and 12.00 noon. The Applicant thus shall attend Tilak Nagar Police Station, 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.
- 5) Interim Application is allowed in the aforesaid terms.
- 6) All the concerned to act on the basis of an authenticated copy of this Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)