

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 3955 OF 2023****WITH****CRIMINAL APPEAL NO. 1186 OF 2023**

Akash Vitthal Shinde

... Applicant/Appellant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.A.V. Konde-Deshmukh for Applicant/Appellant.

Mr.H.S. Venegavkar, PP a/w. Mr. J.P. Yagnik, A.P.P for Respondent-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 12th January 2024.****P.C. :**

1) It is an admitted fact on record that, the Applicant is arrested in the present crime on 10th July 2013 and as of today has undergone incarceration for a period of 10 years and 6 months.

2) In view of the present assignment of this Court, the possibility of hearing the substantive Appeal preferred by the Applicant in near future is remote.

3) After applying the test enunciated by the Hon'ble Supreme Court in the 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.

4) Hence, the following Order.

(i) Applicant shall be released on bail in C.R. No. 298 of 2013 dated 9th July 2013 registered with Hadapsar Police Station, District Pune, on his furnishing P.R. bond of Rs.50,000/- with one or two 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 Hadapsar Police Station, District Pune 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 Hadapsar Police Station, District Pune on every first Monday of the every 3rd Month between 10:00 am and 12:00 noon. The Applicant thus shall attend Hadapsar Police Station, District Pune, 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 bail.

5) Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)