

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION (APPA) NO. 1643 OF 2017
IN
CRIMINAL APPEAL NO.1002 OF 2017

Devendra Ramchandra Mishra ... Applicant/Appellant

V/s.

The State of Maharashtra ... Respondent

Mr. S.K. Raj a/w Rahul Tiwari for Applicant/Appellant.
Ms. A.A. Takalkar, APP for Respondent-State.

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

DATE : 24th January 2024.

P.C. :

- 1) This is an application for suspension of sentence and releasing the Applicant on bail.
- 2) It is an admitted fact on record that, since the date of his arrest i.e. 29th January 2013, the Applicant is in incarceration for more than 11 years as of today.
- 3) After taking into consideration the view expressed 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 the Appeal on the ground of prolonged incarceration.

4) Hence, the following Order.

- (a) During the pendency of present Appeal, Applicant be released on bail in Sessions Case No. 36 of 2013 arising out of CR No.I-53 of 2013 registered with Nalasopara Police Station, District Palghar, on his furnishing P.R. bond of Rs.25,000/- with one or two solvent local sureties in the like amount;
- (b) After his release from Jail and during the pendency of the present Appeal, the Applicant shall attend Nalasopara Police Station on every first Monday of the month between 10:00 am and 12:00 noon, initially for a period of one year and thereafter on every first Monday of every third calendar month, i.e. four times in a year between 10:00 am and 12:00 noon;
- (c) 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.
- (d) In case of two consecutive defaults in marking presency as directed in para (b) above, the prosecution will be at liberty to file Application for cancellation of bail;
- (e) Applicant shall make himself available at the time of final hearing of the Appeal.

- 5) Application is allowed in the aforesaid terms.
- 6) All the concerned to act on the basis of an authenticated copy of this Court.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

RAJESH
VASANT
CHITTEWAN

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