

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 4399 OF 2023****IN****CRIMINAL APPEAL NO. 1436 OF 2019**

Vijay Sadashiv Bhilare

... Applicant/Appellant

V/s.

The State of Maharashtra

... Respondent

Mr. Kuldip Patil a/w. Mr. Shailesh D. Chavan, Mr.Hrishikesh Avhad & Mr. S. P. Sahane for Applicant/Appellant.

Mr. J.P. Yagnik, A.P.P. for Respondent-State.

Ms. A.S. Pai i/b. Mr.Paras Yadav for Intervenor.

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

DATE : 23rd February 2024.

P.C. :

- 1) This is an Application for suspension of sentence and releasing the Applicant on bail by the original accused No.5.
- 2) The Applicant is convicted under Section 302 read with 34 of the Indian Penal Code and is sentenced to undergo imprisonment for life by the learned Additional Sessions Judge, Pune in Sessions Case No. 489 of 2013.
- 3) It is an admitted fact on record that, the Applicant is behind bars since the date of his arrest and as of today has undergone 10 years and 4 months 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.

5) Hence, the following Order.

- (i) Applicant shall be released on bail in Sessions Case No. 489 of 2013, arising out of CR No. 14 of 2013 registered with Rajgad 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 Rajgad 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 Rajgad 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 Rajgad 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.
 - (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.
- 6) Interim Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

OMKAR
SHIVAHAR
KUMBHAKARN

Digitally signed by
OMKAR SHIVAHAR
KUMBHAKARN
Date: 2024.03.21
17:17:07 +0530