

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 4289 OF 2023
IN
CRIMINAL APPEAL NO. 1331 OF 2023**

Pravin Dattatraya Chougule

.. Applicant
Ori.Appellant

vs.

State of Maharashtra & Anr.

.. Respondents

Mr.Vrushali Maindad a/w. Shaheen Kapadia for the Applicant.

Mr. S.V.Gavand, APP for the Respondent No.1-State.

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

DATE : 23th JANUARY, 2024.

P. C.:-

1) This is an Application for suspension of sentence and releasing the Applicant on bail.

2) The Applicant is behind bars since the date of his arrest i.e. from 26th September 2011 in Sessions Case No.20/2012 which is decided by the learned Additional Sessions Judge, Pune on 25th August, 2023 by its impugned Judgment and Order. Thus, the Applicant is in incarceration for little over 12 years.

3) In view of the present assignment of this Court, the possibility of

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hearing the substantive Appeal preferred by the Applicant in near future is remote.

4) 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, is squarely applicable to the case of the Applicant as he has already undergone incarceration for more than 10 years.

5) In view of the above and during the pendency of present Appeal, we are inclined to suspend the substantive sentence imposed upon the Applicant and to release him on bail .

6) Hence, the following Order.

- (i) Applicant shall be released on bail in Sessions Case No. 20 of 2012 arising out of FIR No.229/2011, registered with Vishrantwadi Police Station, Pune on his furnishing P.R. bond of Rs.25,000/- 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 Vishrantwadi 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 Vishrantwadi 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 Vishrantwadi 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.

7) Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK,J.)

(A. S. GADKARI, J.)