

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 4489 OF 2023****IN****CRIMINAL APPEAL NO. 1432 OF 2023**

Ajay Kisan Dungarshi @ Pintu

... Applicant/Appellant

V/s.

The State of Maharashtra

... Respondent

Ms. Keral Mehta for Applicant/Appellant.

Mr. S.V. Gavand, A.P.P. for Respondent-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 22nd January 2024.****P.C. :**

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

2) Heard Ms.Mehta, learned Advocate appointed to represent the Applicant. Perused record.

3) It is an admitted fact on record that, since the date of his arrest i.e. 12th October 2010 the Applicant is behind bars i.e. he is in incarceration for more than 13 years as of today.

4) 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 deserves 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. 792 of 2010 arising out of CR No. 72 of 2010 registered with Malabar Hill Police Station, Mumbai, on his furnishing PR. 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 Malabar Hill Police Station, Mumbai 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 Malabar Hill 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 Malabar Hill 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 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) Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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