

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 321 OF 2019****IN****CRIMINAL APPEAL NO. 1284 OF 2019**

Santosh Devendra Padchinte

.....Applicant

Vs.

The State Of Maharashtra

.....Respondent

Adv. Bharat Gadhavi i/by Adv. Surendra Sonawane for the Applicant.
Mr. S.V. Gavand APP, for the Respondent-State.

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

DATE : 13th MARCH, 2024.

P.C.:-

- 1) This is an Application for suspension of sentence and releasing the Applicant, Original Accused No.3, on bail.
- 2) Applicant is convicted under Sections 363, 364-A, 387, 302 read with Section 34 of the IPC and is sentenced to suffer imprisonment for life by the learned Additional Sessions Judge, Kalyan in Sessions case No.109 of 2010.
- 3) It is an admitted fact on record that, since the date of his arrest i.e. 17th February, 2010, the Applicant is behind bars and as of today he has undergone approximately 14 years 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. 109 of 2010 arising out of C.R. No. I-29 of 2010 registered with Dombivali Police Station, District Thane, 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 Dombivali Police Station, District Thane, 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

Dombivali Police Station, District Thane, on every first Monday of the every 3rd Month between 10.00 am and 12.00 noon. The Applicant thus shall attend Dombivali Police Station, District Thane, four times in a year during the pendency of the present Appeal.

(iii) In case of two consecutive defaults in complying with the aforesaid 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.)

**SANJIV
SHARNAPPA
MASHALKAR**

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