

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

**INTERIM APPLICATION NO. 3449 OF 2024
IN
CRIMINAL APPEAL NO. 912 OF 2025**

Hassan Ali Pathan @ Mithun.	...	Petitioner.
V/s.		
The State of Maharashtra.	...	Respondents

Dr.Pradeep Kumar Pardeshi with Ms.Anushka Martis for the Petitioner.
Mr.Ajay S. Patil, A.P.P. for the Respondent- State.

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**CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE, JJ.
DATE : 16th DECEMBER 2025.**

PC.:-

- 1) This is an Application for suspension of sentence and to release Applicant on bail during the pendency of Appeal.
- 2) The Applicant is convicted under section 302 of Indian Penal Code and sentenced to suffer imprisonment for life by the learned Additional Sessions Judge, Dindoshi (Borivali Division), Goregaon, Mumbai in Sessions Case No.309 of 2015, by its Order dated 22nd February 2024.
- 3) The Nominal Roll produced on record, by learned A.P.P. indicates that, as of today the Applicant has undergone 10 years 5 months and 14 days of actual imprisonment i.e. pre-trial and post conviction incarceration.

4) In view of observations made by the Hon'ble Supreme Court in the case of *Saudan Singh Vs. State of Uttar Pradesh*, reported in 2022 SCC OnLine SC 697 and *Suleman Vs. The State of Uttar Pradesh*, in Miscellaneous Application No.764 of 2022, dated 15th September 2022, as the Applicant has already undergone more than 10 years of actual imprisonment and there is no chance of hearing his substantive Appeal in the near future, the substantive sentence imposed upon the Applicant can be suspended and he can be released on bail.

5) Hence, the following Order :-

(i) During the pendency of his Appeal, the substantive sentence imposed upon the Applicant vide Judgment and Order dated 22nd February 2024, passed by the learned Additional Sessions Judge, Dindoshi (Borivali Division), Goregaon, Mumbai, in Sessions Case No.309 of 2015, is suspended and the Applicant be released on bail on his furnishing PR bond of Rs. 50,000/- with one or two local sureties in the like amount.

(ii) Before his release from jail, the Applicant shall give his prospective residential address and the mobile and/or landline number on which he or any his close relatives can be contacted.

(iii) After his release from jail, the Applicant shall attend the Dindoshi Police Station, Mumbai, on every first Monday of each month between 11.00 a.m. and 1.00 p.m. initially for a period of one

year and thereafter on every first Monday between 11.00 a.m. and 1.00 p.m. of every third calendar month i.e. four times in a year, till the disposal of Appeal.

(iv) In case of two consecutive defaults in complying with the afore-stated conditions, the Prosecution is at liberty to file an application for cancellation of bail.

6) Application is allowed in the aforesaid terms.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)