

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 4390 OF 2024****IN****CRIMINAL APPEAL NO. 127 OF 2021**

Shivprasad Balgovind Kesari @ Shiva

.....Applicant

Vs.

The State Of Maharashtra

.....Respondent

Mr. Anush Shetty i/by Dr. Yug Mohit Chaudhry for the Applicant.
Smt. Madhavi H. Mhatre APP for the Respondent-State.

**CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE, JJ.**
DATE : 17th OCTOBER, 2025.

PC.:-

- 1) This is an Application of original accused No.1 for suspension of sentence and releasing the Applicant on bail, during the pendency of Appeal.
- 2) Learned APP has produced on record Nominal Roll of the Applicant, duly signed by the Jailor, Yerwada Open Prison, Pune. Record indicates that, the Applicant has undergone 12 years 10 months and 11 days of actual imprisonment as on 16th October, 2025.

3) The possibility of hearing of the present Appeal on its own merits in near future is bleak. In view of the guidelines issued 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, we are inclined to suspend the substantive sentence imposed upon the Applicant and to release him on bail.

4) Hence, the following Order :-

- i) During the pendency of Appeal preferred by the Applicant, the substantive sentence imposed upon the Applicant vide Judgment and Order dated 7th December, 2020, passed by the Additional Sessions Judge, Borivali Division, Dindoshi, Mumbai, in Sessions Case No.86 of 2013, is suspended and the Applicant is released on bail on his furnishing PR bond of Rs.50,000/- with one or more sureties in the like amount.
- ii) After his release from jail, the Applicant shall attend the Kandivali Police Station, Mumbai, on every first Monday of each month between 10.00 a.m. and 12.00 noon and mark his presence initially for a period of one year and thereafter on every first Monday between 10.00 a.m. and 12.00 noon of every third calendar month i.e. four times

in a year till the disposal of Appeal.

iii) In case of breach of condition imposed upon the Applicant on two consecutive occasions, the prosecution is at liberty to file an Application for cancellation of bail, before this Court.

5) Application is allowed in the aforesaid terms.

(RANJITSINHA RAJA BHONSALE J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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