

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

**INTERIM APPLICATION NO. 773 OF 2025
IN
CRIMINAL APPEAL NO. 1136 OF 2024**

Nitesh Bholenath Mhatre. ... Applicant.
V/s.
The State of Maharashtra and another. ... Respondents

Mr.Amin Solkar with Ms.Misbaah Amin Solkar, Ms.Sejal Jain and
Mr.Mohd. Taha for the Applicant.
Mr.Ashish I. Satpute, 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 releasing the Applicant on bail during the pendency of Appeal.
- 2) The Applicant/ Appellant is convicted under section 302 and 201 of Indian Penal Code and section 3 read with section 25 of the Arms Act by learned Additional Sessions Judge, Kalyan and sentenced to suffer life imprisonment in Sessions Case No.162 of 2015, by its Order dated 30th August 2024.
- 3) Record indicates that since the date of arrest from 13th February 2018 the Applicant is behind the bars. The Nominal Roll of the Applicant

produced on record, by learned A.P.P. indicates that as of today the Applicant has undergone 10 years 9 months and 17 days of actual imprisonment i.e. pre-trial and post-conviction incarceration.

4) In view of the observations made by the Hon'ble Supreme Court 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 30th August 2024, passed by the learned Additional Sessions Judge, Kalyan, District- Thane, in Sessions Case No.162 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 Murbad Police Station, District- Thane, 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.)