

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1395 OF 2025
IN
CRIMINAL APPEAL NO. 612 OF 2021**

Nirmal Daso Roy

... Applicant

V/s.

The State of Maharashtra

... Respondent

Dr. Yug Mohit Chaudhry a/w Mr. Anush Shetty for Applicant.
Smt. Madhavi H. Mhatre, A.P.P. for Respondent-State.

**CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE, JJ.**
DATE : 1st October 2025

P.C. :

- 1) This is an Application for suspension of sentence and releasing the Applicant on bail during the pendency of Appeal.
- 2) The Applicant is convicted under Section 302 of the Indian Penal Code and sentenced to suffer imprisonment for life with a fine of Rs. 1,000/- by the learned Additional Sessions Judge, Greater Bombay, in Sessions Case No. 169 of 2016, by its Judgment and Order dated 23rd January 2020. Applicant was arrested on 26th November 2015 and since then, till date, he is behind bars. The chart of Nominal Role produced by the learned APP indicates that, as of 30th September 2025, the Petitioner has undergone 9 years, 9 months and 6 days of actual imprisonment. It is thus clear that, the Applicant is in incarceration at pre-trial stage and post conviction for about 10 years.
- 3) In view of the 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 about 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.

4) Hence, the following Order :-

ORDER

i) During the pendency of Appeal, preferred by the Applicant, the substantive sentence imposed upon the Applicant vide Judgment and Order dated 23rd January 2020, passed by the learned Additional Sessions Judge, Greater Bombay, in Sessions Case No. 169 of 2016, is suspended and the Applicant be released on bail on his furnishing PR bond of Rs. 30,000/- with one or two local sureties in the like amount.

ii) After his release from jail, the Applicant shall attend the R.A.K. Marg 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.

5) Application is allowed in the aforesaid terms.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)