

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1413 OF 2025****IN****CRIMINAL APPEAL NO. 739 OF 2019**

Salman Salim Naje

.....Applicant

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Amin Solkar a/w Adv. Misbaah Amin Solkar, Adv. Mohd. Taha, Adv. Juned Chaudhary and Adv. Sejal Jain and Adv. Zehra Sayyed 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.

P.C.:-

1) This is an Application under Section 389 of the Cr.P.C. for suspension of sentence and releasing the Applicant on bail during the pendency of Appeal.

2) The earlier Application bearing No.1467 of 2024, preferred by the Applicant was disposed off as withdrawn by granting liberty to the Applicant to file a fresh Application for bail after he becomes qualified for

enlargement of bail as per 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 the view expressed in cases of (i) *Suleman Vs. The State of Uttar Pradesh*, 2022 SCC OnLine SC 714.

3) Mr. Solkar, learned counsel appearing for the Applicant/Appellant submitted that, as of today, the Applicant has undergone 10 years and 7 months of actual incarceration. That, the evidence against the Applicant is circumstantial in nature. He submitted that, there are no antecedents at the discredit of the Applicant.

4) As the Applicant has already undergone incarceration of about 10 years and 7 months, 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.

4.1) 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 26th March, 2019, passed by the learned Special Judge, Raigad-Alibag at Alibag, in Special (POCSO) Case No.41 of

2015, is suspended and the Applicant be 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 Neral Police Station, District Raigad, 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 mentioned above on two consecutive occasions, the prosecution is at liberty to file an Application for cancellation of bail of Applicant before this Court.

5) Application is allowed in the aforesaid terms.

(RANJITSINHA RAJA BHONSALE J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

Digitally signed
by SANJIV
SHARNAPPA
MASHALKAR
Date: 2025.10.28
10:53:21 +0530