

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.990 OF 2021

WITH

INTERIM APPLICATION NO.3817 OF 2025

IN

CRIMINAL APPEAL NO.990 OF 2021

Sayana @ Shahjan Sagir Shaikh ... Appellant/Applicant

Versus

The State of Maharashtra ... Respondent

- Mr. Sachin Salunke, for the Appellant/Applicant.
- Ms. S.S. Kaushik, APP, for the Respondent-State.

**CORAM : MANISH PITALE AND
MANJUSHA DESHPANDE, JJ.**

DATE : 19th NOVEMBER 2025

P.C. :

. Heard the learned counsel for the applicant and the learned APP for the respondent-State.

2. By this application, the applicant is seeking release on bail specifically on the ground that she has undergone more than 10 years' sentence with the remissions earned during the process.

Kartikeya, P.A.

3. It is specifically brought to the notice of this Court by the learned APP, on instructions, that as on 31.10.2025, the applicant (appellant) had undergone the sentence for a period of 11 years, 8 months and 17 days, including remissions.

4. It is to be noted that an earlier bail application filed in this appeal was rejected by an order dated 27.09.2024 and it was directed that the applicant could apply afresh if the appeal was not heard within three years.

5. The learned counsel for the applicant submits that despite the said stipulation in the order, the present application is being pressed specifically on the ground of the period of sentence already undergone by the applicant and in light of the directions issued by the Hon'ble Supreme Court in the context of convicts, who have already suffered imprisonment for more than 10 years. In this regard, a reference is made to the order dated 15.09.2022 passed by the Hon'ble Supreme Court in Special Leave Petition (Criminal) No.529 of 2021 *[Sonadhar V/s. The State of Chhattisgarh]*.

6. It is further submitted that when the aforesaid earlier order dated 27.09.2024 was passed by this Court, rejecting the bail application of the applicant, perhaps it was not brought to the notice of this Court that despite the applicant having been

granted bail by the Trial Court as per order dated 13.07.2017, during the pendency of the trial, she was actually not released for the reason that she was unable to furnish the sureties as directed in the said order. It is submitted that as on today, the applicant is in open prison due to her good conduct. She is a woman. It is further submitted that she is not a threat to the society and as a matter of policy, a convict undergoing sentence in an open prison is granted remission of 25 months for every 12 months of sentence undergone. On this basis, the learned counsel for the applicant is pressing for relief in the present application.

7. The learned APP submits that in terms of the chart already submitted before this Court, the applicant has indeed undergone sentence for a period of 11 years, 8 months and 17 days as on 31.10.2025. It is submitted that since the applicant has two children, a son and a daughter, who were witnesses against her during the course of trial, even if the applicant is to be released on the basis that she has undergone imprisonment for a period of more than 10 years, appropriate conditions may be imposed, including a direction to report to the concerned Police Station periodically during the pendency of the appeal.

8. We have considered the rival submissions. The directions issued by the Hon'ble Supreme Court in the case of ***Sonadhar (supra)*** do indicate that in the cases where convicts, who are

sentenced to undergo imprisonment for life and who have already undergone imprisonment for more than 10 years, bail can be granted unless there are specific circumstances or reasons why bail should be denied.

9. We find substance in the contention raised on behalf of the applicant that on the earlier occasion, i.e, on 27.09.2024, when the bail application of the applicant was rejected, perhaps it was not brought to the notice of this Court that despite the Trial Court granting bail to the applicant on 13.07.2017, she was not actually released because she failed to furnish sureties as directed in the said order. It is an admitted position that the applicant has already suffered sentence for a period of 11 years, 8 months and 17 days as on 31.10.2025, including remissions. The applicant is a woman. She is presently in open prison, indicating recognition of good behavior on her part and it cannot be ignored that as per policy, remission of 25 months is granted to such convicts in the open prison for every 12 months of imprisonment suffered.

10. The hearing of the appeal may take some time and considering the number of years of imprisonment already suffered by the applicant, we are inclined to allow the application conditionally. As regards the apprehension expressed by the learned APP, a direction can be issued to the applicant to report, periodically to the concerned Police Station.

Kartikeya, P.A.

11. We specifically take note of the fact that when the Trial Court granted bail to the applicant, she could not enjoy the same and she continued to suffer incarceration for the reason that she was unable to furnish the sureties as directed by the Trial Court. In that light, we are inclined to impose the condition of only furnishing of PR Bond of a specific amount by the applicant.

12. In view of the above, the **application is allowed** on the following terms :

ORDER

(i) The applicant shall be released on bail on furnishing a PR Bond of Rs. 20,000/-.

(ii) Upon being released on bail, the applicant shall report to the Igatpuri Police Station, District Nashik, on the 01.12.2025 and thereafter, at quarterly intervals during the pendency of the appeal.

13. The **application is disposed of in the above terms.**

(MANJUSHA DESHPANDE, J.)

(MANISH PITALE, J.)