ARUNA SANDEEP TALWALKAR
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1342 OF 2025
IN
CRIMINAL APPEAL NO. 330 OF 2016

Afzal Suleman Khan @ Parvesh@ Parmesh
Guddu Gupta @ Pabhujyot Singh. … Applicant

Versus

State of Maharashtra & Ors. … Respondents

Mr. Ajinkya Udane, Advocate for Applicant appointed through Legal Aid.
Mr. A.A. Palkar, APP for Respondent/State.

CORAM : M. S. KARNIK &
SANDESH D.PATIL, JJ.

DATE : 9th OCTOBER, 2026

P.C. :

1. The Applicant has preferred this Application through jail for his release on bail. This Court has appointed Mr. Ajinkya Udane, learned Counsel through Legal Services for the purpose of representing the Applicant.

2. The Applicant is facing trial for the offences punishable under Section 302 of the Indian Penal Code, 1860(“IPC” for short), under Rule 3 r/w. 6 of the Passport (Entry Into India) Rules, 1950 3(1) of the Foreigners Order, 1948. The Applicant was convicted

for committing murder of Manager of the Hotel Anand Narayan Pujari on 21/9/2011. The trial commenced and impugned order was passed. The appeal is pending for consideration before this Court.

3. Mr. Ajinkya Udane, learned Counsel appearing for the Applicant stated that the Applicant has already undergone more than 12 years and that there are 12 witnesses who have deposed in detail about the incidence. He prays for releasing the Applicant on bail.

4. Mr. Palkar, learned APP strongly resisted the Application. He states that the Applicant had committed murder of the Manager of the Hotel where he was working. He submitted that the Applicant is not resident of Maharashtra and therefore, it would be difficult to pursue his attendance. He has relied upon the nominal role where the accused has already undergone actual imprisonment of more than 13 years and imprisonment of 14 years with remission.

5. Taking into consideration the Judgment in the matter of *Saudan Singh Vs. State of Uttar Pradesh, 2022 SCC Online SC 697*, and further the fact that there are more than 12 witnesses

examined in this Appeal, further taking into consideration the fact that there are many appeals which are prior to year 2016 pending before this Court, it is not possible for this Court to decide the Appeal immediately.

6. In the light of the aforesaid facts and circumstances, we are inclined to enlarge the Applicant on bail on the following terms and conditions :

(i) The sentence imposed by the trial Court in S.C. No. 323 of 2012 by the Judgment and order dated 29th October, 2015 in respect of the Applicant-Afzal Suleman Khan @ Parvesh@ Parmesh Guddu Gupta @ Pabhujyot Singh is suspended during the pendency of the present appeal.

(ii) The Applicant- Afzal Suleman Khan @ Parvesh@ Parmesh Guddu Gupta @ Pabhujyot Singh is enlarged on bail in S.C. No. 323 of 2012 on his furnishing P. R. bond of Rs.50,000/- with one or two solvent local sureties in the like amount.

(iii) The Applicant shall not leave the State of Maharashtra without permission of this Court.

(iv) The Applicant shall deposit passport with the

concerned police station.

(v) The Applicant shall report to the concerned police station after every fortnight between 11.00 a.m. and 1.00 p.m.

(iv) The applicant shall furnish the details of his residential address and contact details to the trial Court before his enlarging on bail as well to the Pant Nagar Police Station.

(v) The applicant shall undertake to remain present at the time of final hearing of the appeal. In case of two consecutive defaults in attendance, prosecution is at liberty to file an application for cancellation of bail.

(vi) The copy of the order be sent to the jail through Legal Services Authorities. Jail Authorities are directed to act accordingly.

(vii) Copy of this order also be served upon the Legal Services Authorities to enable the Legal Services Authorities to disburse the professional fees of Mr. Ajinkya Udane, learned Advocate appearing for the Applicant.

7. The Interim Application is allowed in the aforesaid terms and disposed of.

(SANDESH D.PATIL, J.) (M. S. KARNIK, J.)