

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 3616 OF 2024****IN****CRIMINAL APPEAL NO. 147 OF 2022**

Muralidhar Ramchandra Bhagat

... Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

Ms. Anjali Patil a/w Adv. Tohid Shaikh and Adv. Onkar Gurav for Applicant.

Smt. Madhavi H. Mhatre, A.P.P. for Respondent No.1-State.

Ms. Vrushali Maindad, Appointed Advocate for Respondent No. 2.

**CORAM : A. S. GADKARI AND
MILIND N. JADHAV, JJ.**

DATE : 26th February 2026

P.C. :

1) This is a successive Application for suspension of sentence and releasing the Applicant on bail, during the pendency of Appeal.

1.1) The earlier Application bearing Interim Application No. 403 of 2023, preferred by the Applicant was dismissed as withdrawn by Order dated 18th October 2022, with liberty to file a fresh Application for bail, if the Appeal preferred by the Applicant is not taken up for hearing within a period of one year from the said date.

2) As the substantive Appeal preferred by the Applicant is not taken up for hearing till August 2024, present Application is preferred.

3) It is an admitted fact that, the Applicant is behind bars since 24th February 2016 and has undergone about 10 years in actual incarceration. Taking into consideration the huge pendency of Appeals, the possibility of hearing of substantive Appeal of the Applicant in near future is remote.

4) 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 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.

5) 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 28th January 2020, passed by the learned Special Judge under the POCSO Act, Sessions Court, Mumbai, in POCSO Special Case No. 167 of 2016, 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 his any close relative can be contacted.
 - [iii] Applicant shall not enter the jurisdiction of Sahar Police Station, Mumbai, except for marking his presence as directed hereinafter.
 - [iv] After his release from jail, the Applicant shall attend the Sahar Police Station, Mumbai, on every first Monday of each month between 10.00 a.m. and 12.00 noon 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.
 - [v] In case of two consecutive defaults in complying with the aforesaid conditions, the prosecution is at liberty to file an Application for cancellation of bail.
 - [vi] Applicant shall not threaten the victim or tamper with the prosecution evidence.
- 6) Application is allowed in the aforesaid terms.

(MILIND N. JADHAV, J.)

(A.S. GADKARI, J.)