

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO.2709 OF 2025****IN****CRIMINAL APPEAL NO. 757 OF 2025**

Gangaram @ Gangya Atmaram Linge

... Applicant

V/s.

State of Maharashtra

... Respondent

Adv. Mubin Solkar a/w Adv. Tahera Qureshi, Adv. Yakub Shaikh, Adv. Tahir Hussain, Adv. Hemal Shah, Adv. Anas Shaikh, Adv. Zahid Burud, Adv. Neha Balani i/b Adv. Umar Nizami for the Applicant.

Smt. M.H. Mhatre for the Respondent-State.

Adv. Avinash Avhad (through VC) a/w Adv.Sachin Gawade for the Intervenor in IA/4191/2025 and IA/4192/2025.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 17th JANUARY 2026

P.C. :

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

2) By the impugned Judgment and Order dated 18th June, 2025, passed in MCOC Special Case No.7 of 2014, the learned Additional Special Judge (Under The Maharashtra Control of Organized Crime Act), Thane at Thane, the Applicant is convicted under Sections 302 and 452 of the Indian Penal Code and is sentenced to suffer life imprisonment.

3) Learned APP produced on record the Nominal Roll of the Applicant. It is stated therein that, the Applicant as of today has undergone

about 11 years 1 months 26 days of imprisonment at pretrial and post conviction stage.

4) Learned APP on instructions submitted that, if the Applicant is released on bail, he may threaten the informant and or witnesses or may indulge into taking revenge against them. She further submitted that, the co-accused namely Yogesh Raut when was released on parole leave had extended indirect threat to the informant and therefore non-cognizable offence was registered against him at Badlapur Police Station. She submitted that, if this Court inclined to release the Applicant on bail, a condition may be imposed that he shall not enter the jurisdiction of Badlapur Municipal Corporation without prior leave of the trial Court.

5) 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 more than 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 be released on bail.

6) 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 18th June, 2025, passed by the learned Additional Special Judge (Under The Maharashtra Control of Organized Crime Act), Thane at Thane in MCOC Special Case No.7 of 2014, is suspended and the Applicant be released on bail on his furnishing PR bond of Rs. 50,000/- with one or two local solvent sureties in the like amount.

- ii) After his release from jail and during the pendency of present Appeal, Applicant shall not enter the jurisdiction of Badlapur Municipal Council, Dist. Thane.
- iii) After his release from jail, the Applicant shall attend the Badlapur-East Police Station, Thane on every first Monday of each month between 10.00 a.m. and 1.00 p.m. initially for a period of one year and thereafter on every first Monday between 10.00 a.m. and 1.00 p.m. of every third calendar month i.e. four times in a year, till the disposal of Appeal.
- iv) Applicant is directed to leave immediately the jurisdiction of Badlapur Municipal Council, Dist. Thane after marking his presence at the Badlapur-

East Police Station, Thane on the aforementioned dates.

- 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.

- 7) Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)