

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO.3035 OF 2025****IN****CRIMINAL APPEAL NO.612 OF 2025**

Hiralal Bhabuta Mali

... Applicant

V/s.

The State of Maharashtra & Anr

... Respondents

Mrs. Shahjahan Varaya i/b Mr. P.R. Pandey for the Applicant.

Smt. M.M. Deshmukh, Acting. PP a/w Smt. P.P. Shinde, A.P.P for Respondent-State.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.****DATE : 30th MARCH 2026****P.C. :**

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

2) Applicant is convicted under Section 302 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for life by the learned Additional Sessions Judge, Thane, in Sessions Case No.162 of 2016, by its Judgment and Order dated 7th December, 2022.

3) The Nominal Roll produced on record by the learned A.P.P indicates that, as of today, the Applicant has undergone about 11 years, 4 months and 20 days in pre-trial and post-trial incarceration and including

remissions, has undergone 14 years, 4 months and 20 days in incarceration.

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 11 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 7th December 2022, passed by the learned Additional Sessions Judge, Thane, in Sessions Case No. 162 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] After his release from jail, the Applicant shall attend the Vartaknagar Police Station, Thane, 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.
- [iv] 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.

6) Application is allowed in the aforesaid terms.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)