

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 4438 OF 2025****IN****CRIMINAL APPEAL NO. 92 OF 2026**

Arvind @ Guddu Vijay Gupta

.....Applicant

Vs.

The State Of Maharashtra

.....Respondent

Adv. Prashant Pandey a/w Adv. Ridhima Mangaonkar, Adv. Dinesh Jadhvani and Adv. Sumati Gupta i/by W3Legal LLP for the Applicant.
Mr. Ajay Patil APP, for the Respondent-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.
DATE : 23rd FEBRUARY, 2026.**

PC:-

- 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 Sections 302, 307, 397 and 450 of the IPC and under Sections 37(1)(A) r/w 135 of Maharashtra Police Act and sentenced to suffer rigorous imprisonment for life by the learned Additional Sessions Judge, Mumbai in Sessions Case No.210 of 2015 by its Judgment and Order dated 15th May, 2025.

3) Perusal of record *prima facie* indicates that, for application of Section 307 of IPC it is alleged that, the Applicant tried to press the neck of PW No.5, who was minor on the date of incident. However, no medical Certificate or any contemporary medical record is produced by the prosecution. Even otherwise, the Nominal Roll of the Applicant produced on record by the prosecution indicates that, the Applicant is in actual incarceration for last about 11 years 2 months and 23 days, as of today.

4) In view of the guidelines issued 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.

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 15th May, 2025, passed by the learned Additional Sessions Judge, Mumbai in Sessions Case No.210 of 2015, 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) 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, to the DCB CID Unit-XI.
 - iii) After his release from jail, the Applicant shall attend the DCB CID Unit XI, Mumbai, on every first Monday of each month between 11.00 a.m. and 1.00 p.m. initially for a period of one year and thereafter on every first Monday of every third calendar month between 11.00 a.m. and 1.00 p.m. 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.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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by SANJIV
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