

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 936 OF 2026

IN

CRIMINAL APPEAL NO. 293 OF 2020

Madan Laxman Kongil .. Applicant/Appellant

V/S.

The State of Maharashtra .. Respondent

Mr. Anush Shetty, i/b Dr. Yug Mohit Chaudhry, for the Applicant/Appellant.

Ms. Sharmila S. Kaushik, APP for the Respondent/State.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.**

DATE : 24TH APRIL 2026.

PC:

1. Heard learned counsel for the applicant (appellant).
2. By the accompanying appeal, the appellant has challenged the judgment and order dated 22/01/2019, passed by the Sessions Court at Palghar, whereby the applicant was convicted under Section 302 of the Indian Penal Code and sentenced to suffer life imprisonment and to pay a fine of Rs. 1,000/-, in default of which to undergo rigorous imprisonment for three months.
3. The applicant had earlier filed Interim Application No. 346 of 2022, in this appeal, seeking bail. But, on 04/04/2022, after arguing for some time, the learned counsel for the applicant sought liberty to withdraw the

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application. Accordingly, the application was disposed of as withdrawn and the hearing of the appeal was expedited. Four years have gone by and the appeal could not be heard.

4. The applicant has filed this application seeking bail only on the ground of the duration of imprisonment already suffered by the petitioner. The learned counsel for the applicant has not argued this application on merits and instead, he relies upon the judgment of the Supreme Court in the case of *Saudan Singh and Ors vs State of Uttar Pradesh and Anr* [(2023) 17 SCC 446]. In the said judgment, the Supreme Court classified convicted prisoners on the basis of the number of years of imprisonment undergone. The second category was identified as persons who had served more than ten years of sentence. In paragraph 8 of the said judgment, the Supreme Court held that in such category of cases at one go bail can be granted, unless there are any extenuating circumstances against the convict.

5. The certificate of imprisonment tendered on behalf of the applicant dated 09/04/2026, issued by the Superintendent of Kolhapur Open Prison shows that till the date of issuance of the certificate, the applicant has undergone actual imprisonment for a period of 10 years, 11 months and 21 days. The case of the applicant clearly falls within the second category identified by the Supreme Court. He is entitled to bail unless we find any extenuating circumstance. The appellant does not have any criminal

antecedents and we have also perused the impugned judgment and order of the Sessions Court, which reveals the allegations made against the applicant. The allegations do not divulge any act of aggravated violence or cruelty on the part of the applicant.

6. Thus, we are of the opinion that there does not appear to be any extenuating circumstance to hold us back from granting the benefit of the judgment of the Supreme Court in the case of ***Saudan Singh vs State of Uttar Pradesh*** (supra) to the applicant in this case.

7. In view of the above, the application is allowed in the following terms:

ORDER

i. Interim Application No 936 of 2026 is allowed and disposed of;

ii. During the pendency of the Criminal Appeal No 293 of 2020, the sentence of imprisonment imposed vide judgment and order dated 22/01/2019 passed by the Additional Sessions Judge, Palghar in Sessions Case No. 51 of 2015 is suspended and the applicant is directed to be released on bail on executing PR Bond in the sum of Rs. 50,000/ with one or more sureties in the like amount;

iii. The applicant shall attend Dahanu Police Station once in

two months on first Monday of the month between 11:00 a.m. to 1:00 p.m till final disposal of the appeal.

iv. The Applicant shall not leave the country without prior permission of this Court.

v. The Applicant shall deposit the passport, if any, with the Dahanu Police Station.

8. Interim Application is disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)