

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 496 OF 2026
IN
CRIMINAL APPEAL NO. 82 OF 2026

Geeta Shankar Padule ...Applicant.

In the Matter in Between :

Geeta Shankar Padule ...Applicant.

Versus

The State of Maharashtra & Anr. ...Respondents.

Mr. Priyal Sarda with Mr. Onkar Bajaj, for the Applicant.

Mr. Shrikant H. Yadav, APP, for the Respondent No.1-State.

*Mr. Rupesh K. Bobade with Ms. Shradha K. Nakadi, for the Respondent No.2-
Intervenor/complainant.*

**Coram : Sharmila U. Deshmukh &
Neeraj P. Dhote, JJ.**

Date : September 24, 2026.

P. C. :

1. This is the application for suspension of sentence imposed by the learned Additional Sessions Judge (Extra Joint), Barshi, District Solapur in Sessions Case No.132 of 2023 by the Judgment and Order dated 11th February 2026, convicting and sentencing the Applicant/Appellant as follows:

1. Accused Geeta w/o. Shankar Padule, age 26 yrs, occ. Household, resident of Anjangaon (Umate), Tal. Madha, Dist. Solapur is hereby convicted vide Section 235(2) of the Code of Criminal Procedure for having committed offence

punishable under Section 302 of the Indian Penal Code and she is sentenced to undergo rigorous imprisonment for life and to pay a fine of Rs. 5,000/- (Rs. Five thousand only) in default, to undergo further rigorous imprisonment for six months.

2. Accused Geeta w/o. Shankar Padule, age 26 yrs, occ. Household, resident of Anjangaon (Umate), Tal. Madha, Dist. Solapur is hereby convicted vide Section 235(2) of the Code of Criminal Procedure for having committed offence punishable under Section 201 of the Indian Penal Code and she is sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs. 2,000/- (Rs. Two thousand only) in default, to undergo further rigorous imprisonment for one month.

3. Both substantive sentences of imprisonment shall run concurrently.

4. Accused Geeta Shankar Padule is in jail in this case since 03.02.2023 till today ie. till 11.02.2026 and therefore, the period of detention already undergone by her in jail in this case be set off from the substantive sentences awarded in this case vide Section 428 of the Code of Criminal Procedure.

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2. The prosecution case as seen from the impugned Judgment is as follows. The relevant paragraphs from the impugned Judgment are reproduced below :

"2. One Siddheshwar Changdev Jadhav (hereinafter referred as

"informant" for short) lodged report in Police Station, Madha contending that his daughter Ujwala (the deceased) was married with Kiran Laxman Padule on 29/11/2022 and since then she was cohabiting with her husband, parent-in-laws, brother-in-law and his wife Geeta. Kiran Laxman Padule was doing private job at Pune and was residing there alone and used to come to Anjangaon (Umate) in holidays.

- 3. It is averred that the informant had brought Ujwala at his house for Sankrant Festival. At that time, they offered her earrings and Mangalsutra of gold for daily use. Two days thereafter, they reached Ujwala at Anjangaon (Umate). Thereafter, the informant and his family members had to go to Gadda Yatra, Solapur and therefore, on 23/01/2023, he sent to his son Somnath to fetch Ujwala at Malwandi. At that time, they did not notice earrings and Mangalsutra on the person of Ujwala and therefore the informant and his wife inquired thereabout to her. At that time, she replied that she kept those ornaments at Anjangaon (Umate). Thereafter two days, his son Somnath reached Ujwala at Anjangaon (Umate).*
- 4. It is further averred that on the same day at 06.00 pm, Ujwala made telephone call to informant and stated that while coming to Malwandi, she had kept the Mangalsutra and earrings in the cupboard of bed room, but she did not find those ornaments in the cupboard Therefore, the informant suggested her to inquire thereabout to her mother-in-law and family members to which she replied that her mother-in-law went out station and therefore she asked wife of her brother-in-law by name Geeta (the accused) about it, but she shown ignorance and she cautioned Ujwala not to inquire about it with mother-in-law. Therefore, Ujwala requested the informant to inquire about aforesaid ornaments to her father-*

- in-law. Therefore, the informant made telephone call to father-in-law of Ujwala and inquired about the ornaments. However, he also shown ignorance and suggested him to ask his daughter Ujwala to see ornaments in the cupboard minutely. Therefore, the informant made telephone call to Ujwala and convinced that he will again offer her another new ornaments if it were not found.*
- 5. The prosecution has further averred that on the next day, Ujwala made telephone call to informant and stated that when she again inquired with accused Geeta about ornaments, she stated that she had not taken ornaments and not to make allegations against her, otherwise cautioned to see her and thus quarreled with her.*
 - 6. The case further goes that on 02/02/2023 at about 04.00 pm father-in-law of Ujwala by name Laxman Padule made telephone call to him and stated that bad thing is happened and asked him to reach at Anjangaon (Umate) immediately. Therefore, the informant and his nephew Sahadev went to Anjangaon on motorcycle and found that his daughter Ujwala was lying in half burnt condition in bed room and one white colour Gamja was wrapped around her neck and she was dead.*
 - 7. It is further averred that then informant asked Laxman Padule as to what happened to which he stated that he himself, his son Shankar and wife Sharda had been to the field and only accused Geeta, her infant baby and Ujwala were present in the house. At about 03.00 pm Geeta made telephone call to him and Sharda and asked them to reach home immediately and therefore he himself, Sharda and Shankar returned home from the field and found Geeta was weeping while Ujwala was lying dead in half burnt condition. When the informant inquired with accused Geeta, she initially kept mum, but when the informant inquired with her for 2-3 times, at*

that time, she stated that she does not know anything, because she had sat with her baby. According to the informant, Geeta was annoyed with Ujwala since Ujwala had suspicion over Geeta regarding theft of her golden ornaments. Therefore, according to the informant, since ornaments of Ujwala were stolen and she had suspicion over Geeta, as a result, quarrel took place between them and being annoyed therewith, accused Geeta committed murder of Ujwala at about 03.00 pm on 02/02/2023 by strangulating her neck with the help of Gamja and set her dead body on fire in order to destroy the evidence. So he lodged the report.

- 8. On the basis of above report. Crime No. 18/2023 was registered for the offence punishable under Sections 302 and 201 of Indian Penal Code and investigation was handed over to API Mr. Sham Buwa, wherein he visited at Anjangaon (Umate) and prepared inquest panchnama on the dead body before panch witnesses, snapped photographs, sent dead body for post mortem examination. He further conducted spot panchnama before panchas, seized various articles from the spot, arrested the accused from whom he seized key of lock and knife in pursuance of memorandum statement. He further seized clothes on the person of deceased, collected sim card of Jio company from witness Somnath. He also seized mobile phone of the accused, recorded statements of witnesses, got recorded statement of informant under Section 164 of Code of Criminal Procedure from Ld. JMFC and further sent the muddemal to CA office, collected Post Mortem report and injury certificate of the accused. He further collected certificate from MSEDCL authority, property card of the house of spot of incident. He further issued letter to the Nodal officers of Airtel and Jio company thereby seeking cap form, CDR record and later on collected them.*

He further collected copy of Aadhar card and wedding card of marriage of Ujwala. On completion of investigation, charge-sheet came to be filed in the Court of Ld. JMFC."

3. Heard learned counsel for the Applicant/Appellant, learned APP for the State, and learned counsel for the victim. With their assistance, we have perused the evidence on record.

4. It is submitted by the learned counsel for the Applicant/Appellant that, the case is based on circumstantial evidence. The prosecution failed to prove each and every circumstance, so as to form a complete chain that would establish that it was the Applicant/Appellant, who committed the crime. She submits that the Applicant/Appellant is the woman and behind bars for a period of more than three (3) years. The Applicant is having minor children. She submits that the appeal is of 2026 and would not come up for final hearing in the near future and hence, the application be allowed.

5. The application is opposed by the learned APP and learned counsel for the victim. They submit that the evidence on record shows that the Applicant/Appellant was present on the spot of the incident along with the deceased. The prosecution established the motive behind the crime by examining the father and brother of the deceased. The knife and the key of the house, where the incident had taken place are discovered at the instance of the Applicant/Appellant. The learned

trial Court has rightly convicted the Applicant/Appellant and no case for suspension is made out.

6. To prove the charge, the prosecution examined in all 11 witnesses. The evidence of P.W.No.3, who is the neighbour of the Applicant/Appellant, shows that, on the date of incident, i.e., 2nd February 2023, when he returned home from the agricultural field, he heard the voice of Shankar, i.e., the husband of the Applicant/Appellant. The place of incident, i.e., the house, where the deceased was found, was found burning. He along with the help of the husband of the Applicant/Appellant broke open the lock of the house. The Applicant/Appellant's husband-Shankar entered the house and removed the Applicant/Appellant from the house. Undisputedly, the said Shankar, who is the husband of the Applicant/Appellant, is not examined by the prosecution. The defence in the cross-examination has brought that the statement of this witness was recorded after 4 to 5 days from the date of incident. There is nothing to show that the prosecution explained the said delay.

7. The medical evidence shows that, the cause of death was asphyxia due to strangulation. Considering the cause of death, the discovery of the knife at the instance of the Applicant/ Appellant would not be relevant. The motive behind the crime, according to the prosecution, is that the Applicant/Appellant had stolen the ornaments of the deceased.

Undisputedly, it is not the case of the prosecution that, the ornaments were discovered at the instance of Applicant/Appellant. The ornaments were never seized during the course of investigation.

8. The Applicant/ Appellant has an arguable case on merits and success in appeal cannot be ruled out. The Applicant/Appellant is the woman having minor children. She is behind bars for a period of more than three (3) years. The appeal is of 2026 and is not likely to be heard finally in the near future. Considering all these aspects of the matter, we are inclined to pass the following order:

ORDER

- i) The Application is allowed.
- ii) The substantive sentence imposed by the learned Additional Sessions Judge (Extra Joint), Barshi, District Solapur in Sessions Case No. 132 of 2023 by the Judgment and Order dated 11th February 2026 on the Applicant/Appellant, is suspended during pendency of the Appeal.
- iii) Applicant-Geeta Shankar Padule be released on bail on furnishing P. R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one or two sureties in the like amount.
- iv) The Applicant/Appellant, before her release, shall provide details of her residential address and mobile/landline contact

numbers to the jail authorities, which shall be forwarded to the concerned Police Station.

- v) The Applicant/Appellant shall co-operate with this Court for early hearing of the Appeal.
- vi) Bail before the Trial Court.

[Neeraj P. Dhote, J.]

[Sharmila U. Deshmukh, J.]

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