

Rohit Ghuge

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2575 OF 2026
IN
CRIMINAL APPEAL NO. 696 OF 2026

Mr. Karan Jalindar Bhole

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Pranav Pokale a/w Mr. Chinmay Sawant and Mr. Aditya Bagal,
Advocates for the Applicant.

Ms. Sangeeta Shinde, APP for the Respondent-State.

CORAM: *BHARATI DANGRE &
ASHISH S CHAVAN, JJ.*

DATE : *30th SEPTEMBER 2026.*

PC.

1. The Applicant who is the solitary Accused in the proceedings before the Trial Court has approached this Court seeking suspension of sentence imposed on him vide order and judgment dated 17.04.2026 convicting him for offense punishable under Section 302 and Section 324 of the Indian Penal Code (“IPC”). The Applicant was sentenced to suffer rigorous imprisonment for life for offence punishable u/s 302 of IPC.

2. Heard, Mr. Pokale, for the Applicant and Ms. Shinde, APP for Respondent-State, perused the Application and Appeal.

3. The case of the prosecution in a nutshell is that FIR No. 79 of 2021 came to be lodged on the basis of the complaint of the wife of the deceased i.e. PW No. 1 – first informant. In her complaint, she stated that on 05.02.2021, at about 3.30 pm, there erupted a quarrel between her grandson and the niece of the Applicant, on a trivial issue. Therefore, the deceased asked his relative, Pratiksha Bhole to bring about understanding between the children. However, a quarrel took place between the deceased and Pratiksha. When the deceased and the Applicant were in front of the Applicant's house, he approached the deceased and asked why he was talking to the ladies of the house. Thereafter, the Applicant assaulted the deceased by means of cable wire on his backside and threatened to kill the deceased. When PW No.1- Complainant tried to intervene, the Applicant threatened to kill her husband and went inside his house, brought out a knife and assaulted the deceased 2-3 times on his abdomen. PW No.1- Complainant took the deceased to a hospital where he was given medical treatment for two days. However on 07.02.2021, the deceased succumbed to his injuries.

4. During the course of investigation, spot panchnama was drawn, post mortem was conducted, injury certificate of the deceased was obtained. The Applicant was arrested on 05.02.2021. Investigation was concluded, chargesheet was filed. Case was committed to the Sessions Court. The Applicant pleaded not guilty and claimed to be tried. His

defence was of denial.

5. The principal contention of the Applicant was that even taking the prosecution case at face value, he is covered by the fourth exception to Section 300 of the IPC. He submits that the dispute between the two children of the respective families rapidly escalated into altercation between the adults involving women folk of the respective houses. The deceased assaulted one Pratiksha, a relative of the Applicant on her hand with a stick and also hit Shashikala, another relative of the Applicant on her head with the stick. Seeing this, the Applicant, a young man, aggrieved by seeing his relatives being assaulted entered the fray and accosted the deceased as to why he was assaulting women folk of his house. This led to a verbal altercation between the deceased and the Applicant. He further contended that under these circumstances, the Applicant assaulted the deceased with a wire and in a fit of rage brought out a knife from the house and stabbed the deceased in his abdomen. The incident, according to the Ld. Counsel for the Applicant has happened in a spur of the moment under sudden provocation. The Applicant has not acted in a cruel or unusual manner. Thus, he would be covered by the Fourth Exception to Section 300 of the IPC, thereby reducing the offence to that of culpable homicide not amounting to murder.

6. Learned APP Ms. Shinde, countered the aforesaid submissions by arguing that the death was proved to be homicidal in nature. There are

multiple eye-witnesses to the incident. The Applicant has acted with pre-meditation and the fact that there is a serious injury on the left lower abdomen, clearly brings the offence within the fold of Section 302 of the IPC.

7. The prosecution case rests on the testimonies of the eye-witnesses, who in a chorus state that they have seen the Applicant stab the deceased with a knife. However, the evidence of PW No. 5, an eye witness has clearly brought out the series of events which led to this act of the Applicant. The incident which began as a trivial quarrel between two children of neighboring families rapidly escalated into an argument between the deceased and the women folk of the Applicant's family. The Applicant, then a young man was provoked since the deceased had allegedly assaulted his female relatives with a stick in front of him. Enraged by this, he hit the deceased first with a wire and then taking out a knife from the house, stabbed him on his abdomen. The deceased was admitted on 05.02.2021 to Ruby Hall Clinic and on 07.02.2021, he succumbed to his injuries. Evidence of PW No. 8, the doctor who examined him on arrival, clearly shows that there was a stab wound on the left lower abdomen and the intestine had come out on the skin surface of the deceased. Thus, the medical evidence also demonstrates that there was only a solitary stab wound dealt with by the Applicant. The evidence of the eye-witness brings out the circumstances in which

the Applicant has assaulted the deceased and the provocation that was offered to him. Medical evidence, *prima facie*, suggests that the Applicant has not acted in a cruel or unusual manner. In the light of these facts, we find force in the submissions on behalf of the Applicant that, *prima facie*, from the record it seems that the Applicant under sudden provocation has assaulted the deceased.

8. In the wake of the aforesaid discussion, we find that this is a fit case to admit the Applicant to bail and suspend his sentence pending Appeal. Hence, the following order.

:ORDER:

- i) The sentence imposed by the learned Additional Sessions Judge, Pune vide his judgment and order dated 17.04.2026, in Sessions Case No. 252 of 2026 is suspended during the pendency of the Appeal.
- ii) The Applicant be released on bail on executing PR bond in the sum of Rs.15,000/- (Fifteen Thousand only) with one local surety in the like amount to the satisfaction of the learned Trial Court.
- iii) The Applicant shall not leave the State of Maharashtra without prior permission of this Court.

- iv) The Applicant shall inform the Trial Court of his contact details and residential address alongwith changes therein, if any.
- v) The Applicant shall attend the Trial Court on such of the dates as directed by it to mark his presence.
- vi) Infraction of any of the aforesaid conditions would entitle the State to move for cancellation of bail.

Interim Application No. 2575 of 2026 is allowed in the aforesaid terms.

ASHISH S. CHAVAN, J.

BHARATI DANGRE, J.