

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 3124 OF 2022
IN
CRIMINAL APPEAL NO. 684 OF 2022**

Suresh Siddhu Khatke ... Applicant

Versus

The State of Maharashtra ... Respondent

....

Ms Manjushri V. Narwade, Advocate for applicant

Mr. A. M. Phule, APP for respondent - State

....

**CORAM : R. G. AVACHAT &
R. M. JOSHI, JJ.**

DATED : 10th OCTOBER, 2022

PER COURT :-

. Heard.

2. This is an application for suspension of execution of substantive sentence of imprisonment and releasing the applicant on bail. The applicant has been convicted for the offence punishable under Section 302 of the Indian Penal Code and sentenced to suffer imprisonment for life and pay fine of Rs.5,000/-, in default, to suffer simple imprisonment for six

months.

3. Learned Advocate for the applicant would submit that the case is based on circumstantial evidence. It might be a case of accidental fall into a well. It will take long time for the appeal to come up for hearing. If, ultimately the applicant is convicted, he is bound to suffer sentence. The applicant be granted bail on suspension of substantive sentence of imprisonment. The learned Advocate has relied on the following authorities:

- (i) *Somnath Jagannath Deokar Vs State of Maharashtra – 2017(4) R.C.R.(Criminal) 148;*
- (ii) *Shah Kantilal Bheemchand Vs. State of Gujarat – 2002(1) AICLR 239;*
- (iii) *Takht Singh and Ors Vs. State of Madhya Pradesh – 2000(2) AICLR 13.*

4. The learned APP would, on the other hand, oppose the application. According to him, the applicant had a strong motive to commit murder of his wife. He was suspecting her character. The son of the applicant also speaks against him. The applicant was very much there at the well. Clothes on his person were wet. The water level of the well was not more than 4.5 feet in depth. Had the deceased accidentally fallen into the well, she would have suffered injuries.

5. After having considered the submissions advanced by both the learned Advocates, we find it to be a case not fit to grant suspension of execution of substantive sentence of imprisonment at least for the present.

6. The applicant may revive his claim, if the appeal could not be heard within next one and half year.

7. The Criminal Application is disposed of.

[R. M. JOSHI, J.]

[R. G. AVACHAT, J.]

SMS