



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 579 OF 2022
IN CRIMINAL APPEAL NO.149/2022
WITH
CRIMINAL APPEAL NO. 149 OF 2022

DIGAMBAR TUKARAM KADAM
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. R. J. Nirmal (appointed Through Legal
Aid)

APP for Respondent/State: Mr. S. J. Salgare

...

CORAM : NITIN B. SURYAWANSHI AND
SANDIPKUMAR C. MORE, JJ.
DATED : 02nd SEPTEMBER, 2025

ORDER:-

1. By this application, the applicant/accused seeks suspension of his substantive sentence of life imprisonment imposed on him by the learned Additional Sessions Judge, Hingoli in Sessions Trial Case No. 45 of 2015.

2. The accused was charged for commission of murder of infant girl child delivered by his wife on 15.08.2015. In support of its case, prosecution has examined 17 witnesses. The witnesses related to the applicant, namely, his son, wife and mother have turned hostile. The case is based on circumstantial evidence. The trial Court has held that prosecution has proved complete chain of circumstances for convicting the accused.

3. Perusal of the evidence on record *prima facie* indicates that vital links in the chain of circumstantial evidence are missing. Fact remains that accused is behind bar since 15.08.2015 and has undergone long incarceration of 10 years. Considering the pendency of jail appeals, his appeal is not likely to be heard in the near future. We are therefore, inclined to grant bail to the applicant. In the result, following order :-

ORDER

- (a) The application is allowed.
- (b) Pending the hearing and final disposal of the present appeal, substantive sentence of life imprisonment imposed on the applicant Digambar Tukaram Kadam by learned Additional Sessions Judge Hingoli in Sessions Trial Case No. 45 of 2015 is hereby suspended.
- (c) Applicant Digambar Tukaram Kadam be released on bail on furnishing personal bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with one surety in the like amount.
- (d) Application is accordingly disposed of.
- (e) High Court Legal Services, Sub Committee, Aurangabd shall pay the fees of learned Advocate for applicant, as per schedule, within four weeks from today.

(SANDIPKUMAR C. MORE)
JUDGE

(NITIN B. SURYAWANSHI)
JUDGE

Y.S. Kulkarni