



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

922 CRIMINAL APPLICATION NO.4375 OF 2025
IN
CRIMINAL APPEAL NO.759 OF 2025

Khelba Anantrao Dhekane

....Applicant

Versus

The State of Maharashtra

.....Respondent

.....

Ms. Ashwini Patil h/f. Shri. Sudarshan J. Salunke, Advocate for
Applicant

Ms. A. S. Deshmukh, APP for the Respondent – State.

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CORAM : NEERAJ P. DHOTE, J.

Dated : NOVEMBER 19, 2025

PER COURT :-

1. Heard the learned Advocate Ms. Ashwini Patil h/f. the learned Advocate Shri. Sudarshan J. Salunke for the Applicant and the learned APP for the Respondent – State. Perused the papers on record.

2. This is an Application for suspension of the substantive sentence imposed on the Applicant by the learned Additional Sessions Judge, Osmanabad, in Sessions Case No.76/2021, vide Judgment and Order dated 25/09/2025, convicting the Applicant for the offences punishable under Sections 498-A, 306, 304(B) read with Section 34 of the Indian Penal Code, 1860 and sentencing him as under :

“1. Accused Nos. (4) Sugriv Anantrao Dhekane, (5) Amruta

Biru @ Ananta Dhekane and (6) Biru Shripati Dhekane are hereby acquitted vide Section 235(1) of Code of Criminal Procedure for the offences punishable under sections 498-A, 306 and 304(B) r.w. Section 34 of the Indian Penal Code.

2. Accused (1) Khelba Anantrao Dhekane, (2) Anant Shripati Dhekane and (3) Shobha Anantrao Dhekane are hereby convicted as per section 235(2) of code of Criminal Procedure for the offence punishable under section 498-A read with section 34 of Indian Penal code and thereby accused No.1 sentenced to undergo simple imprisonment for 1½ years with fine of Rs.1,500/- (Rs. One Thousand and Five Hundred only) and accused Nos.2 and 3 sentenced to undergo simple imprisonment for 1 year each with fine of Rs.1,000/- each (Rs. One Thousand only each). In default of payment of fine, above mention accused shall further undergo Simple imprisonment for 06 months each.

3. Accused (1) Khelba Anantrao Dhekane, (2) Anant Shripati Dhekane and (3) Shobha Anantrao Dhekane are hereby convicted as per section 235(2) of code of Criminal Procedure for the offence punishable under section 306 read with section 34 of Indian Penal code and thereby accused No.1 sentenced to undergo simple imprisonment for 5 years with fine of Rs.5,000/- (Rs. Five Thousand only) and accused Nos.2 and 3 sentenced to undergo simple imprisonment for 3 years with fine of Rs.3,000/- each (Rs. Three Thousand only each). In default of payment of fine, accused No.1 shall further undergo Simple imprisonment for 01 year and in default of payment of fine, accused No. 2 and 3 shall further undergo Simple imprisonment for 06 months each.

4. Accused (1) Khelba Anantrao Dhekane, (2) Anant Shripati Dhekane and (3) Shobha Anantrao Dhekane are hereby convicted as per section 235(2) of code of Criminal Procedure for the offence punishable under section 304 (B) read with section 34 of Indian Penal code and thereby accused No.1 sentenced to undergo simple imprisonment for 9 years and accused Nos.2 and 3 sentenced to undergo simple imprisonment for 7 years each.

5. The sentences which are imposed on the respective accused for the offences punishable under section 498-A, 306, 304 (B) r/w. Section 34 of IPC shall run concurrently.

6. There is no any muddemal property seized during investigation, hence, as regards muddemal no any order is passed.

7. The accused No 4 to 6 who are acquitted are directed to

furnish surety bond with fresh bail bond of Rs.15,000/- (Rs. Fifteen Thousand only) to ensure their presence in case of appeal against judgment, if any, as contemplated under Section 437-A of the Cr.PC.

8. The bail bond of accused persons stands cancelled and their sureties are discharged.

9. The undergone period in Jail by accused Nos. 1, 2 and 3 be set off under section 428 of Code of Criminal Procedure.

10. The copy of this Judgment be given to the accused Nos. 1, 2 and 3 free of costs”

3. The case of Prosecution, in brief, is that, the Informant's Deceased daughter was married to the Applicant prior to four and a half years of the incident. Initially, the convicts treated the Deceased properly for two (02) to three (03) years, and thereafter, started harassing her for demand of Rs.50,000/- and one tola of gold. Due to the ill-treatment, the Deceased committed suicide by hanging herself in the agricultural field. The investigation was carried out and the Applicant was charge-sheeted and convicted by the learned Trial Court as above.

4. It is submitted by the learned Advocate for the Applicant that, the evidence in respect of ill-treatment is not specific. The Applicant is the Husband of the Deceased and was on bail during the trial. He submitted that, on the basis of the evidence available on record, the conviction would not be sustainable. He submitted that the Co-convicts who stand on the same footing are granted bail by this Court after their sentence was suspended. He submitted that, the Application be allowed.

5. It is submitted by the learned APP for the Respondent – State that, the evidence of parents of the Victim had established the ill-treatment to the Victim. It is not possible to give the exact date and details of the ill-treatment. The ill-treatment was soon before the death, and therefore, the presumption under Section 113-B of the Evidence Act, 1872 comes into play. Thus, the Application may not be granted.

6. There is no dispute that, the death occurred within seven (07) years of marriage. According to the parents of the Deceased, there was ill-treatment to the Deceased for demand of dowry and gold. The Deceased used to tell her parents about the same. *Prima facie*, the evidence in respect of ill-treatment is not specific. The cause of death is asphyxia due to hanging. The post-mortem report nowhere shows that, the injuries on the body so as to indicate any violence, except the ligature mark. The Applicant is the Husband and was on bail during the Trial. The maximum sentence imposed on him is that of nine (09) years of simple imprisonment. The Co-convicts, who stand on similar footings, are released on bail by suspending their sentence by order dated 15.10.2025 in Criminal Application No.3852 of 2025. The Appeal would not come up for final hearing in the near future. In this view of the matter, I am inclined to pass the following order:

ORDER

[I] Criminal Application is allowed.

[II] The substantive sentence imposed upon the Applicant, namely, Khelba Anantrao Dhekane, by the learned Additional Sessions Judge, Osmanabad, vide Judgment and Order dated 25/09/2025, passed in Sessions Case No.76/2021, is hereby suspended till the final disposal of the Appeal.

[III] The Applicant be released on bail on furnishing PR. bond of Rs.15,000/- [Rupees Fifteen Thousand], with one surety in the like amount.

[IV] The Applicant shall co-operate in early disposal of the Appeal.

[V] Bail before the Trial Court.

[VI] Criminal Application stands disposed off accordingly.

(NEERAJ P. DHOTE, J.)

GGP