



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4847 OF 2024  
IN CRIMINAL APPEAL NO.1048/2024

YOGESH S/O BALI KAMBLE  
VERSUS  
THE STATE OF MAHARASHTRA

WITH  
CRIMINAL APPLICATION NO. 4805 OF 2024  
IN CRIMINAL APPEAL NO.1044/2024

VIJAY @ SHERU S/O SAHEBRAO GAVALI  
**VERSUS**  
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. P P More  
APP for Respondent/State: Mr. S.R. Wakale

...

**CORAM :** NITIN B. SURYAWANSHI AND  
SANDIPKUMAR C. MORE, JJ.

**DATED :** 02<sup>nd</sup> SEPTEMBER, 2025

**ORDER:-**

1. By these applications filed under Section 389 of the Code of Criminal Procedure, the applicants seek suspension of their substantive sentence for life imprisonment imposed upon them by learned Additional Sessions Judge-3, Latur in Sessions Case No. 15 of 2023.

2. Prosecution case is that accused No.1 wife of Kumar Baliram Balsure was having illicit relationship with accused No.2. They both hatched a conspiracy to kill the deceased and gave contract of killing

to the applicants. Applicants killed the deceased during the period between 21.30 hours of 1.11.2022 to 8.00 hours of 2.11.2022 in field Gut No. 65, situated at Gadhavewadi, Taluka Ausa, District Latur.

3. All the accused are therefore, charged for commission of murder by hatching a conspiracy.

4. Admittedly, the case is based on circumstantial evidence. Perusal of record shows that applicants were allegedly seen with the deceased at 9.30 p.m. on 01.11.2022. The last seen theory is tried to be established in the evidence of P.W. Nos. 1 and 2. There is inconsistency in their evidence. The dead body of the deceased was found on 02.11.2022 at 8.30 a.m. P.W.1 has stated that he saw both the applicants in the night of 01.11.2022. He does not speak about the presence of the deceased with the applicants and P.W. 2 states that he saw the deceased talking with the applicants. *Prima facie* there is absolutely no evidence on record to prove the conspiracy between accused Nos. 1 and 2 and present applicants. Except this, there is no other evidence on record to connect the applicants with the alleged crime. We are of the *prima facie* view that applicants have good case on merits and they have hope to succeed in the appeals. Appeals are not likely to be heard in the near future considering the pendency of Jail Appeals. Accused Nos. 1 and 2 are already released on bail by suspending their substantive sentence of life imprisonment. On the

ground of parity also the applicants are entitled to be released on bail.

In the result, following order :-

**ORDER**

- (a) The Applications are allowed.
- (b) Pending the hearing and final disposal of the present appeals, substantive sentence of life imprisonment imposed on the applicants Yogesh Bali Kamble and Vijay @ Sheru S/o Sahebrao Gavali by learned Additional Sessions Judge-3, Latur, in Sessions Case No. 15 of 2023, is hereby suspended.
- (c) The applicants Yogesh Bali Kamble and Vijay @ Sheru S/o Sahebrao Gavali be released on bail on furnishing personal bond of Rs. 25,000/- each ( Rupees Twenty Five Thousand only) with one surety in the like amount.

**(SANDIPKUMAR C. MORE)**  
**JUDGE**

**(NITIN B. SURYAWANSHI )**  
**JUDGE**

*Y.S. Kulkarni*