

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.568 OF 2025

IN

CRIMINAL APPEAL NO.114 OF 2019

Basavraj Dhondappa Chougule] Applicant

Versus

The State of Maharashtra] Respondent

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Ms. Gayatri Kulkarni a/w Ms. Shivani A. Veer i/b Ms. Vrushali L. Maindad, for Applicant.

Mr. Anand Shalgaonkar, A.P.P, for Respondent – State.

Ms. Madhuri More, Superintendent of Jail, Kolhapur Central Jail present.

Mr. Shreedhar Hari Kumbhar, Peon, Kolhapur Central Prison Kolhapur present.

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CORAM : M.S. KARNIK &
SHARMILA U. DESHMUKH, JJ

DATE : 17th SEPTEMBER, 2025.

P.C:

1. Heard Ms. Kulkarni, learned Counsel for the applicant and Mr. Shalgaonkar, learned A.P.P, for Respondent – State.

2. By this Interim Application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of the appeal.

3. The applicant vide judgment and order dated 3rd November, 2018 passed by the Additional Sessions Judge, Solapur in Sessions Case No.256 of 2015 has been convicted and sentenced as under:

(a) for the offence punishable under section 302 of the Indian Penal Code sentenced to suffer life imprisonment and to pay fine of Rs.500/-, in default of payment of fine, to undergo rigorous imprisonment for three months.

(b) for the offence punishable under section 3 of the Arms Act sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.500/-, in default of payment of fine, to suffer rigorous imprisonment for three months.

(c) for the offence punishable under sections 5 of the Arms Act, 1959 sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.500/-, in default of payment of fine, to undergo rigorous imprisonment for three months. All the aforesaid sentences were directed to run concurrently.

4. Learned Counsel for the applicant submits that fine amount has been paid.
5. The Applicant-accused had committed murder of deceased Vinayak. It is the case of the prosecution that applicant's daughter had an affair with deceased Vinayak which was not liked by the applicant.
6. While opposing the bail application, it is submitted by learned A.P.P that the appeal itself should be heard finally as conviction is based on the evidence of two eye witnesses apart from other materials.
7. Learned Counsel for the applicant has relied on a decision of the Hon'ble Supreme Court in the case of **Suleman Vs. State of Uttar Pradesh, (2022) 19 Supreme Court Cases, 660.**
8. The applicant is in custody with effect from 16th August, 2015 i.e for more than ten years. Considering the present situation, it may not be possible for us to hear the appeal itself at an early date though an endeavour would be made by us to hear the appeal itself finally on 21st November, 2025. List the Appeal for final hearing on 21st November, 2025. However, we are inclined to suspend the sentence and enlarge the applicant on bail.
9. The application is allowed and the applicant's sentence is suspended and he is enlarged on bail on following conditions;

: **ORDER** :

(a) The applicant be enlarged on bail on furnishing P.R bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(b) The applicant shall be present when the appeal is heard finally.

10. The application is disposed of.

[SHARMILA U. DESHMUKH, J.]

[M.S. KARNIK, J.]