

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1171 OF 2025

IN

CRIMINAL APPEAL NO. 995 OF 2021

Saifan Bandu Nadaf ... Applicant/Appellant

Versus

The State of Maharashtra & Anr. ... Respondents

Mr. Jaydeep D. Mane for the Applicant/Appellant.
Mr. Pankaj Deokar, A.P.P. for the Respondent-State.

Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.

Date : 27th November 2025.

P. C. :

1. Heard Mr. Mane, learned counsel for the Applicant and Mr. Deokar, learned A.P.P. for the Respondent-State.
2. This is an Application for suspension of sentence and releasing the Applicant on bail.
3. Learned A.P.P. opposed the Application. He submitted that the Appeal be heard finally considering the gravity of the offence. However,

due to the pendency position, it may not be possible to hear the Appeal finally anytime soon.

4. The Applicant was convicted by the Sessions Court in Sessions case No. 60 of 2016 for the offence punishable under Section 302 of the Indian Penal Code (I.P.C.) and sentenced to suffer imprisonment for life and to pay fine of Rs.50,000/-; in default to suffer imprisonment for six months.

5. The date of the F.I.R. is 28th November 2025. It is alleged that the Applicant (Accused No.1) assaulted the husband of the first informant by means of iron tommy on his head and caused grievous injuries, which resulted in his death. The agricultural land of the family of the informant and the family of the accused are situated adjacent to each other at village Ban Tanda. Their houses are also situated at some distance from each other. There was dispute between the families on account of common boundary of the lands. On 26th November 2015, accused No.2 Bandu Nadaf removed the boundary stone of the common Bandh of the agricultural land and placed it in the land of informant. Thereafter, one person, namely Gulab removed that boundary stone and placed it again on the common Bandh. On that day at about 5:30 pm the accused No.2 Khatija came to the house of the informant and started to abuse the informant and her family members. At the same time accused No.1 came

there and threatened to kill the sons of Khatija. On 27th November 2015 at about 8:00 am, deceased Dilip and witness Kundlik Ramchandra Rathod went to village Maravade for digging the column of the construction of the house of Viswas Patne. At about 8:30 a.m. the informant received the phone call of Pundlik Rathod who told her that on Ban Tanda to Marvade road in the vicinity of village Marvade near the well of Yedse the accused i.e. Applicant assaulted to Dilip on his head by means of tommy and caused grievous injuries.

6. Learned counsel for the Applicant submits that almost for a period of 10 years the Applicant is in custody.

7. Learned A.P.P. invited our attention to the finding of the trial Court in support of his contention that this is not a fit case to suspend the sentence and release the Applicant on bail.

8. Considering that the Applicant has been in custody for over 10 years and that the Appeal is not likely to be taken up for hearing in the near future, we are inclined to allow the Application.

9. Hence, the following order :

1. The sentence imposed by the trial Court on the Applicant vide Judgment and Order dated 24th September 2021 passed by the Additional Sessions Judge, Pandharpur, District Solapur, in Sessions Case No. 60 of 2016 is suspended.

2. The Applicant be released on bail on his furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
3. Fine amount be paid, if not already paid.
4. The Applicant shall report once in three months to the trial Court on every first Monday of the month commencing January 2026.
5. The Applicant shall furnish his residential address and contact details to the trial Court.
6. The Applicant shall attend this Court when the Appeal is fixed for final hearing.

10. Interim Application is disposed of in aforesaid terms.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

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