

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3297 OF 2023
IN
CRIMINAL APPEAL NO. 1268 OF 2022

Ganesh Mahendra Patil.

...Applicant.

Versus

The State of Maharashtra

...Respondent.

Mr. Shrikant T. Jadhav and Mr. Murlidhar Kharat for the Applicant.
Mr. A. A. Naik, APP for the Respondent-State.

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

Date : December 19, 2025.

P. C. :

1. This is an application for suspension of sentence and enlarging the Applicant on bail during the pendency of appeal.
2. Learned APP opposed the application.
3. The Applicant is original accused no.2 in Sessions Case No.47 of 2016.
4. So far as co-accused Jaydeep Patil, the real brother of Applicant is concerned, in Interim Application No. 3609 of 2025 by order dated 3rd December 2025, the sentence has been suspended and he has been enlarged on bail.

5. It is necessary to refer to the order dated 3rd December 2025 passed in Interim Application No. 3609 of 2025, which reads thus :

“1.This is an Application for suspension of sentence and releasing the Applicant on bail.

2. The Applicant is convicted by the learned Sessions Judge, Kolhapur vide Judgment and Order dated 11th November 2022 in Sessions Case No. 47 of 2016, for the offences punishable under Sections 302, 201 read with 34 of the Indian Penal Code (I.P.C.) and sentenced to undergo imprisonment for life and pay a fine of Rs.15,000/-. The Applicant is accused No.2. The younger sister of the Applicant, namely, Meghana married Indrajeet Shrikant Kulkarni. It was an inter-caste marriage. The same was disliked by the family members of the Applicant. Meghana and Indrajeet were found missing from their respective houses. Missing report was therefore filed by the father of Meghana. The couple was later traced. It is stated that they had solemnized their marriage. The documents to that effect were submitted. The missing report was closed. The father of the Applicant did not oppose the marriage of his deceased daughter. Indrajeet and Meghana started residing at a rented house. The complainant was residing on the ground floor and Indrajeet and Meghana were residing at the first floor. It is alleged that on 16th December 2015 at about 10.00 p.m., while the complainant was doing some stitching work, suddenly she saw two persons coming down the staircase. The complainant noticed that both, Indrajeet and Meghana, were killed. The learned trial Judge convicted both the accused. The Applicant is one of the accused. From the pleadings, we find that the Applicant's father is also not keeping well. There are no previous antecedents reported against the Applicant.

3. Learned A.PP opposed the Application for suspension of sentence and releasing the Applicant on bail. It is submitted that the Appeal itself could be listed for final hearing. The Appeal being of the year 2022, it may not be possible for us to give priority.

4. However, considering that the Applicant has been in custody for almost 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.”

6. The Applicant is in custody for almost 10 years. Therefore, on parity, the Applicant deserves to be granted bail and his sentence needs to be suspended during the pendency of appeal.

7. Hence, the following order :-

(i) The sentence imposed by the Additional Sessions Judge, Kolhapur on the Applicant vide Judgment and Order dated 11th November 2022 in Sessions Case No. 47 of 2016 shall remain suspended till the disposal of criminal appeal.

(ii) The Applicant – Ganesh Mahendra Patil 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.

(iii) Fine amount be paid, if not already paid.

(iv) The Applicant shall report once in three months to the trial Court, on every first Monday of the month commencing January 2026.

(v) The Applicant shall furnish his residential address and contact details to the trial Court.

(vi) The Applicant shall attend this Court when appeal is fixed for final hearing.

8. Interim Application is disposed of in aforesaid terms.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]