

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

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2913 OF 2025

IN

CRIMINAL APPEAL NO. 1281 OF 2022

Appa Damodar Rupnawar

... Applicant/Appellant

Versus

The State of Maharashtra

... Respondent

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

Mr. A. A. Naik, A.P.P. for the Respondent-State.

Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.

Date : 14th October 2025.

P. C. :

1. Heard learned counsel for the Applicant and learned A.G.P.
2. This is an application for suspension of sentence and for release on bail filed by the original accused No.5.
3. The Sessions Court by the judgment and order dated 1st December 2018 convicted the Applicant along with other accused for the offences

punishable under Sections 302 read with 149, 143, 144, 147, 148, 323, 324 & 506 read with 149 of the Indian Penal Code. The accused persons assaulted deceased Ashok in front of his home on 4th November 2016 at about 7.30 a.m.. There were as many as 37 injuries on the person of the deceased. The trial Court found that the Applicant was carrying a sword.

4. Learned counsel for the Applicant submits that the material on record indicates that there were no blood stains on the sword. The trial Court, however, recorded a finding that even the present Applicant was involved in the assault.

5. Learned A.P.P. submits that the assault was brutal and it is not a fit case for suspension of sentence and to enlarge the Applicant on bail. Our attention is invited to the findings recorded by the trial Court. He submits that the Appeal itself be heard finally.

6. This Appeal is of the year 2022. There are several criminal Appeals which are pending for final hearing. It may not be possible for this Court to give out of turn hearing to the present Appeal. The Applicant is in custody for almost 10 years since the date of his arrest on 4th November 2016. In view of the guidelines issued by the Hon'ble Supreme Court in the case of *Saudan Singh Vs. The State of Uttar Pradesh in Criminal Appeal No. 308 of 2022 [@ SLP (Crl.) No. 4633 of 2021], dated 25th February 2022*, we are inclined to suspend the sentence and enlarge the

Applicant on bail.

7. Hence, the following Order :

- (i) Application is allowed.
- (ii) The sentence imposed by the trial Court by the judgment and order dated 1st December 2018 convicting the Applicant is suspended and the Applicant is enlarged on bail on his furnishing PR. bond in the sum of Rs.50,000/- with one or more sureties in the like amount.
- (iii) The Applicant shall report to the trial Court on the first Monday of every month commencing from the month of November 2025.
- (iv) The Applicant shall furnish his contact details, telephone numbers to the trial Court.
- (v) The Applicant is presently in Visapur Open Prison, Solapur. After release from prison, the Applicant shall not enter the jurisdiction of village Hanumanwadi (Kurbhavi), Taluka Malshiras, District Solapur, till hearing of the Appeal.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]