

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

INTERIM APPLICATION NO. 929 OF 2025
IN
CRIMINAL APPEAL NO. 428 OF 2015

Santosh Jagannath Sabale
Age 43 yrs, Occ : Agriculturist,
R/o Sarole, Tal Barshi,
Dist Solapur.
At present in Solapur
Jail, Dist. Solapur.

...Applicant/Appellant.

Versus

The State of Maharashtra.

...Respondent.

Mr. Jayadeep Mane for Applicant.

Mrs. S. N. Deshmukh, APP for the Respondent-State.

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

Date : October 1, 2025.

P. C. :

1. Leave to amend. Amendment to be carried out forthwith.
2. Heard learned counsel for Applicant.
3. This is an application seeking suspension of sentence and enlarging the Applicant – original accused on bail.
4. The Applicant was convicted by the learned Additional Sessions Judge, Barshi vide judgment and order dated 26th February 2025 passed in Sessions Case No.77 of 2014 for the offence punishable

under Sections 302 and 498A of the Indian Penal Code and sentenced to suffer RI for life and pay fine of Rs.2,000/-.

5. Facts of the case, in brief, are that on 7th January 2012, Complainant Balasaheb A. Suravase lodged FIR bearing No. 7 of 2012 with Vairag Police Station for the aforesaid offences. It is alleged that Applicant is responsible for causing death of his wife. The deceased died to burn injuries. The Trial Court convicted the Applicant.

6. Learned Counsel for Applicant submitted that Applicant is in custody since 10th January 2012 and by now he has undergone imprisonment for almost 13 and ½ years. Learned counsel prayed for release of Applicant on bail.

7. Learned APP opposed the application. It is requested that instead of considering the bail application, Appeal itself could be heard finally and there are only eight witnesses.

8. We are inclined to hear the appeal finally and accordingly list the same for final hearing on 26th November 2025 at 4.00 p.m.

9. Considering that Applicant has been incarcerated for more than 13 and ½ years, we are inclined to suspend his sentence and enlarge him on bail.

10. In the light of above, we pass the following order :

[a] The sentence awarded to the Applicant by learned Additional Sessions Judge, Barshi vide judgment and order

dated 26th February 2025 passed in Sessions Case No. 77 of 2014 is suspended till the final disposal of Criminal Appeal No.428 of 2015.

- [b] The Applicant be released on furnishing bail in the sum of Rs.15,000/- with one or more solvent sureties of like amount in connection with Sessions Case No. 77 of 2014.
- [c] Till the Criminal Appeal is disposed of, the Applicant shall report to the Trial Court on the 1st Monday of every month commencing from November 2025.
- [d] The Applicant shall attend this Court when the appeal is listed for final hearing.
- [e] The Applicant shall not leave the country without leave of this Court.

11. Application stands disposed of.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]