

Shailaja

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

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3514 OF 2025
IN
CRIMINAL APPEAL NO.263 OF 2025

Vishal Birudeo Chougule	]	Applicant
Versus		
The State of Maharashtra	]	Respondent

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Mr. Ashok Mundargi, Senior Advocate a/w Ms. Tanvii Tapkire and Ms. Pravada Raut, for Applicant.

Ms. Veera Shinde, A.P.P, for Respondent – State.

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CORAM : M.S. KARNIK &
AJIT B. KADETHANKAR, JJ

DATE : 14th NOVEMBER, 2025.

ORAL ORDER: [PER M.S. KARNIK, J.]:

1. Heard Mr. Mundargi, learned Senior Counsel for the applicant and Ms. Shinde, learned A.P.P, for respondent – State.
2. This is an application for suspension of sentence and releasing the applicant – Vishal Birudeo Chougule on bail. The incident occurred in the night of 1st December, 2017 and 2nd December, 2017. The appeal is of the year

2025. It may not be possible to hear the appeal finally any time soon in view of pendency of old appeals.

3. Learned A.P.P was at pains to point out that the deceased had suffered serious injuries and because of bleeding caused, death occurred. Learned A.P.P further invited our attention to the findings recorded by the Trial Court in support of her submissions to contend that this is not a fit case for suspension of sentence and releasing the applicant on bail. It is submitted by the learned A.P.P that the appeal itself could be heard finally. As indicated earlier, it is not possible to hear the appeal finally.

4. The present applicant – Vishal Birudeo Chougule is in custody since the date of his arrest, almost for a period of eight years. It is pertinent to note that accused No.3, 5 and 6 are enlarged on bail. Accused No.3 was carrying a Kukari. However, no role is attributed to accused No.3 except for flashing of the Kukari.

5. Our attention is invited to the order dated 2nd July, 2025 passed by this Court (Principal Seat) in Interim Application No.918 of 2025. While suspending the sentence in respect of co-accused - Vijay Appaso Chougule , observations made by this Court have some relevance. The same are reproduced below, which read thus;

“6) We have considered these submissions. PW1-Tanaji Bhosale is the father of the deceased. He has described about the disturbance in the entertainment programme which was going on in the night. According to him, the Applicant’s group was causing disturbance. At that time, his both sons i.e. Ashok and Prakash told a panch committee that, the Applicant’s group should be told to behave properly. After the entertainment programme was over, all the Accused came to that spot. This witness has named all the six Accused. He also had named the seventh acquitted Accused. He has further deposed that, the Accused Sandip and Vishal were carrying gupti, Sagar was having kukri, the others were having sticks. Specific role of assault with gupti is attributed to Sandip and Vishal. There is a general statement that the other Accused assaulted Ashok with sticks on his shoulder, back and other parts. His other son Prakash (PW3) was assaulted on his eye and back by the Accused - Kolekar. The Accused then left their two wheelers at that same spot and then ran away. Ashok was taken to the dispensary but he was declared dead.

7) PW3-Prakash Bhosale has substantially deposed in the same manner. There is hardly any discrepancy in the evidence given by the PW3.

8) PW4-Dnyaneshwar Bhosale was a panch of that committee. He has stated that Prakash and Ashok had complained about the Applicant’s group. He has described the incident in the same manner as it is described by the other eye witnesses.

9) The postmortem notes show that the deceased had suffered three incised wounds. The two wounds were on the right thigh and one wound was on the right gluteal region. The cause of death was mentioned as hemorrhagic shock due to multiple injuries. Medical certificate of the Prakash shows that, he had suffered three contusions, one abrasion and one incised wound near his eye. All the injuries were described as simple injuries. In this background, it is clear that the complaint was made by both Ashok and Prakash to the panch committee. Therefore, if there was a common object arising out of that grudge, then Prakash and Ashok both were the targets. However, it can be seen from the evidence that Prakash had suffered only simple injuries, whereas three incised wounds were caused to Ashok on the thigh and the surrounding region. It was not on the abdomen or thorax. Therefore, at this stage, we find substance in the submissions of the learned senior counsel that, the common object was not to commit murder of the deceased but to cause assault, which could have resulted in causing hurt or even grievous hurt but not the injury resulting in death. The Applicant is attributed the role of using a stick. There were contusions on the shoulder and the stick was not used to assault the deceased on any vital part. Therefore, for consideration of bail, at this stage, the submissions of the learned senior counsel for the Applicant can be accepted. There is no other corroborating piece of circumstance against the Applicant in the form of recovery of weapons or recovery of clothes”.

6. Following are the injuries in the **Medico Legal Certificate at Exhibit 226**;

Sr. No.	Type of injury	Size of injury	On what part of the body	Simple Grievous	By what kind of weapon used	Age of injury
1.	Incise would	6 cm x 2.5 cm Bleeding +++ Colour red	Right gluteal region	Grievous	Hard and Sharp	Within 6 hours
2.	Through and through penetrating injury	Entry would over post aspect 6 cm x 4 cm Exit would 3 cm x 2 cm Bleeding +++ Colour red	Post aspect of right thigh	Grievous	Hard and Sharp	Within 6 hours
3.	Through and through penetrating injury	Entry would 5 cm x 2 cm Exit wound 4 cm x 2.5 cm Bleeding +++ Colour red	Post aspect of right thigh	Grievous	Hard and Sharp	Within 6 hours
4.	Contusion 5 in number	7 to 9 cm x 2 cm	Right shoulder	Simple	Hard and Sharp	Within 6 hours

7. In the Postmortem report of the deceased, following injuries are mentioned;

Postmortem Report at Exh.227:-

1.	Incised would over right gluteal region 6 c.m x 2.5. c.m x 9 cm
2.	Through and through penetrating injury over post aspect of right thigh. Entry would over post aspect 6 cm x 4 cm
3.	Through and through penetrating injury over post aspect of right thigh. Entry would 5 cm x 2 cm.
4.	Contusion over right shoulder 5 in number 7 to 9 cm x 2 cm.

8. From the evidence on record, it appears that the intention of the applicant may not be to commit the murder. We are, therefore, inclined to suspend the sentence and release the applicant – Vishal Birudeo Chougule on bail. Hence, the following order;

: ORDER:

(a) The sentence imposed by the learned Additional Sessions Judge, Sangli in Sessions Case No.44 of 2018 against the present applicant - original Accused No.2 – Vishal Birudeo Chougule stands suspended.

(b) The applicant – original Accused No.2 – Vishal Birudeo Chougule is directed to be released on bail on his furnishing P.R. bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

(c) The applicant shall report to the Trial Court once in a month i.e. every first Monday of the month commencing from December, 2025.

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

(e) The Applicant shall attend this Court at the time of final hearing of the appeal.

9. The application stands disposed of.

[AJIT B. KADETHANKAR, J.]

[M.S. KARNIK, J.]