

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

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2527 OF 2025

IN

CRIMINAL APPEAL NO. 1265 OF 2022

Ankush Dadaso Shinde ... Applicant/Appellant

Versus

The State of Maharashtra ... Respondent

Mr. Anush Shetty (Through V.C.) a/w. Mr. Rahul Sagar i/b. Dr. Yug Mohit Chaudhry for the Applicant/Appellant.

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

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

Date : 19th November 2025.

P. C. :

1. Heard Mr. Shetty, learned counsel for the Applicant and Mr. Naik, learned A.P.P. for the Respondent-State.
2. This is an Application for suspension of sentence and releasing the Applicant on bail.
3. The date of offence is 9th February 2014. The incident took place between 12:30 p.m. to 3:30 p.m.. The Applicant was arrested on 9th

February 2014. The Applicant was convicted by the learned Sessions Judge, Sangli in Sessions Case No. 130 of 2014 to suffer life imprisonment by an order dated 28th June 2019, for the offences punishable under Section 302 of the Indian Penal Code (I.P.C.). The knife was recovered at the instance of the Applicant. There were six incised injuries on the person of the deceased.

4. It is the prosecution's case that the deceased and Applicant's father were very good friends. The Applicant on the evening prior to the date of incident had been to the house of the deceased to demand Rs.50/-. When the deceased refused, the Applicant abused him. On the next date i.e. on 9th February 2014 the Applicant went to the house of deceased and apologized for his conduct. Thereafter, it is alleged that the deceased was found lying injured in a densely populated Jain vasti. That, the prosecution case is based on oral dying declaration made by deceased to PW-1 and PW-2, stating that the Applicant assaulted him after sprinkling chilly powder.

5. Mr. Naik, learned A.P.P. opposed the application for suspension of sentence and releasing the Applicant on bail. Our attention is invited to the findings recorded by the trial Court. It is submitted that the Appeal itself be heard finally, as this is not a fit case to enlarge the Applicant on bail.

6. We found that the case is based on circumstantial evidence. The Applicant has been in custody for more than 11 years. It may not be possible to hear the Appeal finally, considering the pendency situation of old matters. We are therefore inclined to enlarge the Applicant on bail.

7. Hence, the following order :

1. The sentence imposed by the trial Court on the Applicant vide Judgment and Order dated 28th June 2019 passed by the Additional Sessions Judge, Sangli in Sessions Case No. 130 of 2014 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. The Applicant shall report once in three months to the trial Court on every first Monday of the month commencing December 2025.
4. The Applicant shall furnish his residential address and contact details to the trial Court.
5. The Applicant shall attend this Court when the Appeal is fixed for final hearing.

8. Interim Application is disposed of in aforesaid terms.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

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