

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

INTERIM APPLICATION NO. 3632 OF 2025
IN
CRIMINAL APPEAL NO. 617 OF 2016

Atul @ Bapu Ajinath Patil.

...Applicant.

Versus

The State of Maharashtra.

...Respondent.

Mr. Anush Shetty and Mr. Rahul P. Sagar i/b Dr. Yug Mohit Choudhary for the Applicant.

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

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

Date : December 17, 2025.

P. C. :

1. Heard learned Counsel for the Applicant.
2. This is an application for suspension of sentence and grant of bail pending the hearing and final disposal of criminal appeal.
3. The Applicant has been convicted by the learned Additional Sessions Judge, Barshi in Sessions Case No.164 of 2014 for the offence punishable under Section 302 of IPC.
4. It is the case of prosecution that deceased had lent an amount of Rs.10,000/- to the Applicant. Few days prior to the date of incident, deceased demanded return of the money from Applicant. At that time,

Applicant abused deceased. On 21st May 2014, at about 8.30 am, the Applicant assaulted the deceased with knife when he was at the ST stand. There are two eye witnesses to the incident.

5. Learned APP invited our attention to the findings recorded by learned Trial Court. It is submitted by learned APP that in the present case, there is no possibility of acquittal as PW-1 and PW-2 are the eye-witnesses who have supported the prosecution case and their testimony has remained unshattered during cross examination.

6. This is an appeal of the year 2016 and considering the pendency of appeals in this Court, it may take some time for this appeal to come up for hearing. In such view of the matter and considering the fact that Applicant is in custody for more than 10 years and 4 months, we are inclined to suspend his sentence and enlarge him on bail.

7. Hence, we pass the following order.

[a] The sentence imposed on Applicant by the learned Additional Sessions Judge, Barshi vide judgment and order dated 19th July 2016 in Sessions Case No. 164 of 2014 shall remain suspended till the final disposal of Criminal Appeal No. 617 of 2016.

[b] Applicant be released on his furnishing bail bond in the sum of Rs. 25,000/- with one or more solvent sureties of the like amount in connection with Sessions Case No.164 of 2014.

- [c] Till the Criminal Appeal is disposed of, Applicant shall report to the Trial Court once in three months, on the 1st Monday, commencing from January 2026.
- [d] The Applicant shall attend this Court when the appeal comes up for final hearing.

8. The application stands disposed of.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]