

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

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3693 OF 2025

IN

CRIMINAL APPEAL NO. 139 OF 2020

Shashikant Ramesh Bhosale ... Applicant/Appellant

Versus

The State of Maharashtra ... Respondent

Adv. Anush Shetty (Through V.C.) a/w. Adv. Rahul Sagar i/b. Dr. Yug Mohit Chaudhry for the Applicant/Appellant.
Adv. A.A. Naik, A.P.P. for the Respondent-State.

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

Date : 23rd December 2025.

P. C. :

- 1.** Heard learned counsel for the Applicant/Appellant.
- 2.** This is an Application for suspension of sentence and releasing the Applicant on bail.
- 3.** The Applicant is convicted by the learned Additional Sessions Judge, Sangli vide Judgment and Order dated 10th June 2019 in Sessions Case No. 122 of 2016, for the offences punishable under Section 302 of

the Indian Penal Code (I.P.C.) and sentenced to suffer rigorous life imprisonment and to pay a fine of Rs.1,000/-.

4. The date of the offence is 26th April 2016. The time of the incident is 1.30 a.m.. The Applicant was arrested on the same day i.e. on 26th April 2016. He has been in custody for 9 years and 8 months.

5. The prosecution's case is that the deceased and the Applicant were cousins and had an ongoing dispute over ancestral property. It is alleged that the Applicant assaulted the deceased with a stone on his head in the course of a quarrel. As per the deposition of the PW-7, which is at page 58 of the paperbook, the deceased sustained a single fatal fracture. The deceased was taken first to Miraj Hospital, then to Wanless Hospital, where he died on 5th May 2016. During the period of his hospitalization, he was semi-conscious and was also operated upon at Wanless Hospital.

6. 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 all the circumstances point out to the guilt of the Applicant and the same has been properly appreciated by the trial Court. It is submitted that the Appeal itself could be listed for final hearing.

7. However, in view of the pendency of old matters, it may not be possible for this Court to accord priority for final hearing of the Appeal

any time soon.

The case is based on circumstantial evidence. PW-1 says that the Applicant was seen standing close to the injured deceased soon after the incident. The prosecution then points out to the seizure of blood-stained clothes from the Applicant and the motive to be property dispute.

8. Learned counsel for the Applicant submits that, even assuming the Petitioner's involvement, the material on record indicates that the assault occurred in the course of a sudden quarrel and without any premeditation. The assault was with a stone picked up at the spot which further shows that it was not premeditated. The deceased died 9 days after the incident i.e. on 5th May 2016, before which he was treated and operated upon in two different hospitals.

9. The question as to whether the Applicant's offence would fall under Section 304 Part II of the Indian Penal Code, for which the maximum sentence prescribed is ten years, is a matter that would be considered at the final hearing stage upon appreciation of the entire evidence.

10. The case is based on circumstantial evidence. Considering that the Applicant has undergone more than 9 years and 8 months of the sentence and having regard to the facts and circumstances of the case, with the Appeal unlikely to be heard any time soon, we are inclined to suspend

the sentence and enlarge the Applicant on bail.

11. Hence, the following Order :-

- (i) The sentence imposed by the trial Court on the Applicant vide Judgment and Order dated 10th June 2019 passed by the Additional Sessions Judge, Sangli in Sessions Case No. 122 of 2016 is suspended.
- (ii) The Applicant - Shashikant Ramesh Bhosale be released on bail on his furnishing PR. bond in the sum of Rs.50,000/- with one or more sureties in the like amount.
- (iii) Fine amount be paid, if not already paid.
- (iv) The Applicant shall report once in three months to the trial Court on every first Monday of the month commencing January 2026.
- (v) The Applicant shall furnish his residential address and contact details to the trial Court.
- (vi) The Applicant shall attend this Court when the Appeal is fixed for final hearing.
- (vii) The Applicant shall not contact any of the family members of the deceased.
- (viii) The Applicant shall not reside within the jurisdiction of village Arag, Tal. Miraj, District Sangli, where the other family members of the deceased are residing.
- (ix) Liberty to apply for modification after six months.

12. Interim Application is disposed of in aforesaid terms.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]