

Nikita

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

CRIMINAL APPELLATE JURISDICTION

**INTERIM APPLICATION NO.4143 OF 2024
IN
CRIMINAL APPEAL NO.820 OF 2021**

Sahil @ Ghayal Laxman Kawale	...Applicant
versus	
The State of Maharashtra and Ors.	...Respondents

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Mr. Aditya Raktade a/w Mr. Sumit Vhanbatte a/w Mr. Ajit Kawade a/w
Mr. Santosh Mane for the Applicant.
Mr. Pankaj Deokar, APP for the State.
Mr. Sachin Chandan, I.O., Rajarampuri Police Station.

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**CORAM : M.S. KARNIK &
SHARMILA U. DESHMUKH, JJ.**

DATE : 9th OCTOBER, 2025.

P.C:

1. Heard Mr. Aditya Raktade, learned Counsel for the Applicant and Mr. Pankaj Deokar, APP for the State.
2. This is an application for suspension of sentence. Applicant is the Accused No.2. There are nine accused in the present crime. There was some money dispute between the deceased and the Accused. The Accused persons are convicted for double murder. C. R. No.26 of 2014 was registered on 2nd February, 2014 under Section 302, 352, 120-B, 147, 148 and 149 of the Indian Penal Code, 1860. Applicant was arrested on 4th February, 2014. The Applicant is now in custody for

more than eleven years. The Sessions Court Kolhapur convicted the Applicant and eight other accused on 6th March, 2021.

3. There are three eye witnesses to the incident. PW-1, PW-4 and PW-5. The role assigned to the Applicant is pelting stones. The Accused No.1 who was found to have delivered the vital blows. The Accused No.3 who was carrying sword was convicted being an assailant, has been enlarged on bail. Therefore, it is the contention of the learned Counsel for the Applicant that the role of the present Applicant is much lesser than the Accused No.3 who is enlarged on bail on 29th February, 2024 by this Court. The Applicant is now in custody for more than eleven and half years. The Criminal Appeal is of the year 2021 and the is not likely to be decided in the near future.

4. In such view of the matter, we are inclined to suspend the sentence imposed by the Trial Court on 6th March, 2021 in respect of C. R. 26 of 2014 registered with Rajarampuri Police Station and enlarge the Applicant on bail in the sum of Rs.50,000/- with one or more sureties in the like amount.

5. The Applicant shall report to the Trial Court once in three months on the day/date specified by the Trial Court, till the appeal is finally disposed of.

6. The Applicant shall keep the Trial court informed of his current address and mobile contact number and/or change of residence or

mobile details, if any, from time to time.

7. If there are two consecutive defaults in appearing before the Trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of the bail.

8. The Application is allowed in the aforesaid terms subject to the Applicant depositing the fine amount as directed vide the impugned Judgment and Order dated 6th March, 2021 passed by the learned Sessions Judge, Kolhapur.

9. All concerned to act on the authenticated copy of this order.

10. The Interim Application is disposed of.

[SHARMILA U. DESHMUKH, J.]

[M.S. KARNIK, J.]