

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

INTERIM APPLICATION NO. 5148 OF 2024
IN
CRIMINAL APPEAL NO. 368 OF 2021

Ankush Dagadu Salunkhe ...Applicant
Versus
The State of Maharashtra ...Respondent

.....

Mr. Rajesh Shivaji Jadhav, Advocate for Applicant.

Mr. Prathamesh S. Hande, Advocate for Respondent No.2.

Mr. P. P. Deokar APP for the Respondent-State.

.....

CORAM : SHIVKUMAR DIGE, J.

DATE : 12th DECEMBER 2025

P.C.

1. By this Application, the applicant is seeking suspension of sentence and grant of bail.

2. It is contention of learned counsel for the Applicant that applicant is convicted by learned Sessions Judge Sangli in Sessions Case No.112 of 2015 vide Judgment and order dated 12.03.2021 for the offence punishable under Sections 498-A r/w Section 34 of IPC and sentenced to suffer rigorous imprisonment of three years and to pay fine of Rs.25,000/-, in default, to suffer further rigorous imprisonment for one year. The applicant is also convicted under

Section 306 of IPC and sentenced to suffer imprisonment for ten years and to pay fine of Rs.50,000/-, in default, to suffer further rigorous imprisonment for three years. Learned counsel further submitted that the applicant has deposited fine amount. The applicant is behind bar around five years. It may take time to dispose off the appeal. Learned counsel further submitted that the applicant will not contact his son, who is staying with first informant as well as the first informant and her family members. The applicant shall file undertaking in that regard after being released from jail and requested to allow the application.

3. It is contention of Learned APP along with learned counsel for Intervenor that the applicant has been convicted by the learned Sessions Judge. If applicant is released on bail, he may threaten the first informant and her grand son, who is staying with first informant. Hence, requested to reject the application.

4. Learned counsel for the Intervenor has relied on Judgment of the Hon'ble Apex Court in **Shabeen Ahmad Versus The State of Uttar Pradesh and Anr¹**.

5. I have heard all the learned counsels, perused the impugned Judgment and order. The applicant is behind bar around five years.

1 2025 INSC 307

He has undergone half of the sentence. It may take time to dispose off the appeal. As per the statement of the learned counsel for the applicant, the applicant will not contact his son, who is staying with first informant and he will not contact the first informant and her family members. I have gone through the case laws cited by the learned counsel for the Intervenor. The facts of the cited case and the present case are different. Hence, not applicable to this case.

6. In view of above, I pass following order:

ORDER

- (i) The Application is allowed;
- (ii) The substantive sentence of imprisonment awarded to the applicant by the learned Sessions Judge Sangli in Sessions Case No.112 of 2015 vide Judgment and order dated 12.03.2021 is hereby suspended pending disposal of appeal.
- (iii) The applicant be enlarged on bail on furnishing PR bond in the sum of Rs.15,000/- with one or two sureties in the like amount.
- (iv) The bail bonds to be furnished before the learned Sessions Judge Sangli.

(v) The applicant shall file undertaking before this Court stating that he shall not contact his son, who is staying with first informant and he shall not contact the first informant and her family members.

7. The application is allowed in the aforesaid terms and is accordingly disposed off.

(SHIVKUMAR DIGE, J.)