

Nikita

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

CRIMINAL APPELLATE JURISDICTION

**INTERIM APPLICATION NO.118 OF 2025
IN
CRIMINAL APPEAL NO.67 OF 2025**

Ganesh Laxman Khade

..Applicant

versus

The State of Maharashtra

...Respondents

.....

Mr. Amit Mane, for the Petitioner.

Ms. S. N. Deshmukh, APP for the State.

.....

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

DATE : 8th SEPTEMBER, 2025.

P.C:

1. Heard Mr. Amit Mane learned Counsel for the Applicant and Ms. S. N. Deshmukh, APP for the State.
2. This is an application for suspension of the sentence and for releasing the Applicant on bail pending the appeal. The Trial Court by the judgment and order dated 18th March, 2024, convicted the Applicant under Section 302 of the IPC and sentenced him to rigorous imprisonment for life and fine of Rs.20,000/-.
3. The Applicant was working as a truck driver. The Applicant was held guilty of killing his wife Priyanka. It is alleged that the Applicant in a fit of anger, assaulted Priyanka on her head with a stone.

4. It is the contention of the learned Counsel for the Applicant that Applicant gave only one blow on the head of the deceased. It is submitted that the deceased was in the hospital for six days and hence the evidence on record indicates that there was no intention on the part of the Applicant to commit the murder. It is further submitted that the Applicant has undergone imprisonment for a period of more than nine years and four months, since his arrest on 15th April, 2016.

5. Learned APP vehemently opposed the application. It is submitted that there are eye witnesses to the present crime. PW-1 is a mother-in-law of the Applicant, who witnessed the incident. PW-2 is the brother of the deceased who also witnessed the incident, which happened in the house when the deceased along with her family members were sleeping.

It is further submitted that the apart from this, blood stained clothes of the Applicant was found. Inviting our attention to the findings of the Trial Court, learned APP submitted that this is not a fit case for releasing the Applicant on bail. It is further submitted that the appeal itself be fixed for hearing.

6. The appeal was filed in the year 2025. The possibility of hearing the appeal finally in the near future appears remote. Furthermore, Applicant was released on furlough on previous occasions and he has abided by all the conditions. There is nothing on record to indicate that

he has misused his liberty. Applicant has already undergone more than nine years of imprisonment. In the facts and circumstances of the present case, we are therefore inclined to suspend the sentence and enlarge the Applicant on bail.

7. Hence the following order:

a) The sentence imposed by the Trial Court by the judgment and order dated 18th March, 2024 in Sessions Case No.10 of 2017 stands suspended.

b) Applicant be released on bail on his furnishing P.R. bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

c) If the fine amount is not paid, learned Counsel for the Applicant, on instructions, undertakes that the same would be paid within a period of two weeks from today. The Applicant shall remain present for final hearing of the appeal.

8. The Interim Application is disposed off.

[SHARMILA U. DESHMUKH, J.]

[M.S. KARNIK, J.]