

Nikita

NIKITA
KAILAS
DARSADE
Digitally signed by
NIKITA
Date: 2025.09.10
15:11:00 +05:30

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

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2097 OF 2025
IN
CRIMINAL APPEAL NO.53 OF 2020

Vijay Shivaji Mane

...Petitioner

versus

The State of Maharashtra and Anr.

...Respondents

Ms. Misbah Amin Solkar a/w Mr. Parvez Sanadi a/w Ms. Sejal Jain for
the Applicant.

Mr. Pankaj Deokar, APP for the State.

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

DATE : 10th SEPTEMBER, 2025.

P.C:

1. Heard learned Counsel for the Applicant and learned APP for the State.
2. This is an application for suspension of sentence and enlarging the Applicant on bail. The Applicant was facing trial for commission of offence punishable under Section 302, 307, 324 of the Indian Penal Code.
3. It is conceded that the Applicant is convicted by the Trial Court vide judgment and order dated 31st July, 2019 for committing the murder of Udaysinha, the elder brother of the Complainant. The weapon with which the offence was committed i.e. blood stained knife

was recovered at the instance of the Applicant. Applicant was arrested on 26th May, 2020.

4. Applicant is now in custody for more 10 years. The appeal was filed in the year 2020. It may not be possible for us to immediately list the appeal for final hearing considering that the older appeals in which the Appellants are in custody are pending.

5. Learned Counsel for the Applicant made an attempt to point out the discrepancies in the prosecution case. However, at the stage of suspension of sentence, it may not be possible for us to appreciate the evidence. Offence is serious in nature.

6. Learned Counsel for the Applicant relied on the decision of the Hon'ble Supreme Court in the case of Saudan Singh Vs. The State of Uttar Pradesh, decided on 25th February, 2022 in Criminal Appeal No.308 of 2022.

7. Applicant is in custody for more than 10 years. Hence, we are inclined to suspend the sentence and enlarge the Applicant on bail. There is nothing on record to indicate the extensibility in circumstances against the Applicant.

8. Learned APP opposed the Application, but having regard to the period spent in custody by the Applicant and the facts and circumstances of the present case, we are inclined to pass the following order:

- a) Sentence imposed by the Trial Court in Sessions Case No.233 of 2015 against the Applicant is suspended.
- b) Applicant be enlarged 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) Applicant shall report to the Jath Police Station, Dist. Sangli on the first Monday of every month.
- d) Applicant shall remain present when the Appeal is listed for final hearing.

9. The Interim Application stands disposed off.

[SHARMILA U. DESHMUKH, J.]

[M.S. KARNIK, J.]