

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 2016 OF 2024****IN****CRIMINAL APPEAL NO. 562 OF 2019**

Sagar Ganesh Labade

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Suvarna Avhad-Vast a/w Ms. Sharanya Vast and Ms. Manali Sohoni for Applicant.

Mr. Amit A. Palkar, A.P.P. for Respondent-State.

**CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE, JJ.**

DATE : 13th October 2025

P.C. :

1) This is an Application under Section 389 of the Cr.P.C. for suspension of sentence and releasing the Applicant on bail.

2) Applicant is the original accused No.2, in Sessions Case No. 348 of 2015. The trial Court by its Judgment and Order dated 7th December 2018, has convicted the Applicant and other three accused persons under Section 302 read with 34 of the Indian Penal Code (IPC) and sentenced to undergo imprisonment for life and to pay a fine of Rs. 5,000/- each.

3) It is the prosecution case that, the deceased Sandeep had love affair with Vrushali Nivangune (PW 2). On the fateful day at about 5.30 p.m., when the deceased along with Vrushali Nivangune (PW 2) and her friend Sonam Kadolkar (PW 3) were returning home on a motorcycle, the Applicant

caught hold the collar of deceased and dragged him down from it and make him to fell on the heap of earth and immediately assaulted on his head with a sickle, which he was carrying. After his initial assault, 4 to 5 other boys, who had conceal themselves in the nearby bushes appeared there and also assaulted deceased with sickle and stones on his head and other parts of body. It appears that, the deceased succumbed to the injuries on the spot and was declared dead before admitting to hospital.

3.1) Dr. Abhijeet Bandgar conducted autopsy on the dead body of Sandeep. He noticed the following external injuries :

- “1. Six chop injuries present over left temporo occipital region of head, intermingling with each other, over an area of size 17 cm. X 12 cm. Of varying sizes from 16 cm. X 0.5 cm. To 10 cm. X 0.5 cm. All the injuries are brain deep, with underlying skull bone cut fractured, dura cut, brain cut, margins clean-cut red.
2. Chop injury present over left occipital region of head situated 03 cm. Behind left ear and 1 cm. Left lateral to midline of size 0.5 cm. X 0.5 cm. X bone deep, with underlying skull bone cut fractured, margins clean-cut red.
3. Chop injury present over right occipital region of head, situated 2 cm. Behind right ear and 8 cm. Right to midline, of size 7 cm. X 0.5 cm. X bone deep, with underlying skull bone cut fractured, margins clean-cut red.

4. Chop injury present over dorsum of left hand, of size 9 cm. X 3 cm. X bone deep with underlying metacarpals cut fractured, margins clean-cut red.
5. Abrasion present over lateral aspect of upper 1/3rd of left arm, 6 cm x 2 cm. Irregular, red.
6. Incised injury present over posterior aspect of right shoulder, of size 7 cm. X 0.5 cm. Sub cut deep margins clean-cut red.
7. Chop injury present over dorsum of left first metacarpal cut fractured, margins clean-cut red.
8. Incised injury present over upper 1/3 rd of back in midline, situated 10 cm below posterior hairline of size 6 cm. X 1 cm. X muscle deep, margins clean-cut red.
9. Incised injury present over posterior aspect of left should of size 4 cm. X 0.5 cm. X muscle deep margins clean-cut red.
10. Incised injury prevent over left scapular region of size 2 cm. X 0.5 c.m. X muscle deep, margins clean-cut red.”

4) As per the testimony of PW 2, it is the Applicant, who dragged the deceased from the motorcycle and immediately assaulted him on his head with a sickle. The injury Nos. 1 and 2 noticed by Dr. Bandgar (PW 9) are *prima facie* attributed to the Applicant. The sickle used by the Applicant is recovered from him under Section 27 of the Evidence Act.

A bare perusal of injuries suffered by the deceased clearly

indicates that, he was assaulted brutally which led to his death. As noted earlier, the injury Nos. 1 and 2 are *prima facie* attributed to the Applicant.

4.1) Smt. Bhosale, API, attached to Sinhgad Police Station, Dist. Pune, has filed an Affidavit dated 10th March 2025. In para No. 5, she has quoted the antecedents at the discredit of the Applicant as under :

Sr. No.	C.R. No.	Police Stn.	U/sec.	Current Status
1	253/2008	Wanwari	Sec. 302, 34 of IPC	Acquittal
2	57/2010	Wanwari	Sec. 324 of IPC	Court pending
3	71/2010	Vishrambag	Sec.399, 402 of IPC	Acquittal
4	334/2012	Hadapsar	Sec. 379 of IPC	Acquittal
5	3095/2013	Wanwari	Sec. 142 of Maharashtra Police Act	Acquittal

4.2) Though, the Applicant has already been acquitted from offences at Sr. Nos. 1, 3, 4 and 5, however the trial against the Applicant at Sr. No. 2 above is still pending. The antecedents mentioned above shows the propensity of Applicant towards the criminality. We find merit in the apprehension expressed by the prosecution that, there is every possibility that, after his release from jail, the Applicant may again indulged into criminal activities and/or abscond to avoid facing trial in C.R. No. 57 of 2010.

5) In view of the above, we are not inclined to grant bail to the Applicant. Application is accordingly rejected.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)