

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

***INTERIM APPLICATION NO. 190 OF 2025
IN
CRIMINAL APPEAL NO. 446 OF 2016***

Deepak Madhukar Jadhav ... Applicant

Versus

The State of Maharashtra ... Respondent

Mr. Satyavrat Joshi for the Applicant

Mr. V. B. Konde Deshmukh, Addl. P.P for the Respondent-State

**CORAM : REVATI MOHITE DERE &
DR. NEELA GOKHALE, JJ.
WEDNESDAY, 5th FEBRUARY 2025**

P.C :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of his aforesaid appeal.

3 The applicant vide judgment and order dated 4th May 2016, passed by learned Additional Sessions Judge, Kolhapur, in Session Case No. 38/2014, has been convicted for the offences punishable under Section 302 of the Indian Penal Code and is sentenced to suffer imprisonment for life.

As far as offences under Sections 498A, 504 and 506 of the Indian Penal Code are concerned, the applicant has been acquitted of the said offences.

4 Perused the papers. Initially four persons were prosecuted/charge-sheeted in the said case i.e. the applicant, his brother (A2) and the applicant's parents i.e. A3 and A4. After a full fledged trial, accused Nos. 2, 3 and 4 came to be acquitted of all the offences i.e. of the offences punishable under Sections 302, 498A, 504 and 506 of the Indian Penal Code. The applicant was also acquitted of all the offences, except the offence punishable under Section 302.

5 The prosecution case rests essentially on circumstantial evidence i.e. recovery of a *langot* at the instance of the applicant with which the applicant is stated to have strangled his wife (deceased) and the evidence of PW 2 and PW 9 i.e. the parents of the deceased respectively. According to PW 2 and PW 9 i.e. the parents of the deceased, the applicant would doubt her character and the applicant was ill treating her on account of the same and also on account of the fact, that the deceased was unable to deliver a child.

6 It appears that the applicant has examined a defence witness i.e. a doctor who has stated that the deceased had undergone an abortion. Learned counsel submits that in this view of the matter, the allegation that the deceased was unable to bear a child, is not borne out.

7 Learned counsel for the applicant further submits that the learned Judge has disbelieved the allegation of cruelty *qua* all

the accused, including the applicant. Thus, the only evidence *qua* the applicant is recovery of a *langot* used by the applicant to strangle his wife.

8 The applicant is in custody for about 11 years 3 months i.e. from 27th October 2013 (without remission). Learned counsel for the applicant also seeks suspension of the applicant's sentence and enlargement on bail on account of applicant's long incarceration. The appeal is of the year 2016 and the same is not likely to be heard in the immediate near future.

9 Considering the aforesaid and in particular, the long incarceration of the applicant, the application is allowed and the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his appeal, on the following terms and conditions :

ORDER

- i) The applicant be released on furnishing P.R. Bond in

the sum of Rs.25,000/- with one or two sureties in the like amount;

ii) The applicant shall report to the trial Court, once in four months on the day/date specified by the trial Court, till his appeal is finally disposed of;

iii) The applicant shall keep the trial Court informed of current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;

iv) 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 bail.

10 The Application is disposed of in the aforesaid terms.

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

DR. NEELA GOKHALE, J.

REVATI MOHITE DERE, J.