

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

**INTERIM APPLICATION NO.1434 OF 2025
IN
CRIMINAL APPEAL NO.494 OF 2025**

Sachin Ambadas Khot Applicant

versus

The State of Maharashtra Respondent

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- Mr. Satyavrat Joshi a/w Ms. Reena Prajapati a/w Mr. Ishan Paradkar a/w Mr. Priyesh More, Advocate for Applicant.
- Mr. K. V. Saste, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL &
MANJUSHA DESHPANDE, JJ.
DATE : 23rd JUNE, 2025**

P.C. :

1. The Applicant was the sole accused before the Additional Sessions Judge, Pune, in Sessions Case No.109 of 2015. The Applicant was convicted and sentenced vide the Judgment and Order dated 01/02/2025. The Applicant was convicted for commission of the offence punishable u/s 302 of the Indian Penal Code and was sentenced to suffer rigorous imprisonment for life and to pay a fine of Rs.25,000/- and in

default of payment of fine to suffer simple imprisonment for three months.

2. The Applicant was in jail from 29/10/2014 to 05/02/2016, then again from 16/08/2023 to 17/10/2023 and from 14/06/2024 till the Judgment and Order was passed on 01/02/2025. For rest of the period, he was on bail. During trial, he was granted bail by this Court vide the order dated 18/01/2016 passed in Bail Application No.2241 of 2015.

3. Heard Mr. Satyavrat Joshi, learned counsel for the Applicant and Mr. K. V. Saste, learned APP for the State.

4. The prosecution case is that the Applicant committed murder of his own father because his father was having ill-intention towards the Applicant's wife and in fact he had outraged her modesty. On 29/10/2014, when the Applicant had gone to give tiffin to his father, his father uttered objectionable words and therefore, the Applicant got angry and assaulted him with a sickle. He gave three blows on his neck causing his death.

The Applicant himself went to the police and reported the matter to the police. It is the prosecution case that the Applicant confessed to commission of the crime. He took the police to the spot. Therefore, the Applicant was immediately arrested on 29/10/2014 itself.

5. Learned counsel for the Applicant submitted that there is no legally admissible evidence against the Applicant showing his complicity in the offence. The main witness P.W.6 has not supported the prosecution case. She was examined to prove the 'Last seen' theory. But she did not support the prosecution case. The murder weapon was found at the spot.
6. Learned APP on the other hand submitted that the Applicant himself had gone to the police station and confessed about the crime. He had taken the police to the spot where the dead body was found. These circumstances are sufficient to base the conviction.

7. We have considered these submissions and we have perused the evidence annexed to the Appeal. P.W.1 ASI Ajinath Shinde, who was the Police Naik at the relevant time, has deposed that the Applicant came to the police station on 29/10/2014 and informed the police that since his father had outraged his wife's modesty, he has committed his father's murder around 12.00 p.m. His father had expressed that he would sleep with the Applicant's wife. Therefore, the Applicant had got angry and committed this offence. He deposed that the Applicant led the police to the agricultural field where the deceased lay. However, in his cross-examination he admitted that there were other villagers surrounding the dead body and he did not enquire with any of the villagers.

As far as the confession made by the Applicant to this witness is concerned, it is clearly inadmissible because it is a confession made before the police officer. The only fact which is admissible is that the Applicant had approached the police after the incident. He had led the police to the agricultural field, but it cannot be said that it was within the exclusive knowledge that

the dead body was lying there. The dead body was surrounded by other villagers.

8. P.W.3 Dr. Harish Tatiya had conducted the post-mortem examination. There were three fatal incised wounds over the neck. There is no dispute about the manner of assault. The weapon was lying at the spot itself. As mentioned earlier P.W.6 Alka Kunjir had not supported the prosecution case. P.W.7 was the Investigating Officer. He has deposed supporting the deposition of P.W.1. The C.A. report shows that the Applicant's clothes were blood stained, but the blood group was inconclusive. This is the only evidence led by the prosecution against the Applicant. As rightly submitted by the learned counsel for the Applicant, there is hardly any admissible evidence against the present Applicant. He was on bail during trial. He was taken in custody only because according to the learned Judge, he had changed the Advocate and was delaying the trial. There are no other allegations of misuse of liberty. Therefore, we are inclined to allow this application by granting bail to the Applicant pending his Appeal.

9. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.494 of 2025, the Applicant is directed to be released on bail on his furnishing P.R. bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with one or two sureties in the like amount.
- (ii) Interim Application stands disposed of accordingly.

(MANJUSHA DESHPANDE, J.) (SARANG V. KOTWAL, J.)