

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 3182 OF 2025****IN****CRIMINAL APPEAL NO. 861 OF 2025**

Govind Sadu Dive

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Nitin H. Sejpal a/w Ms. Pooja N. Sejpal and Mr. Sahir Patel for Applicant.
Smt. Madhavi H. Mhatre, A.P.P. for Respondent-State.

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

DATE : 2nd December 2025

PC. :

- 1) This is an Application for suspension of sentence and releasing the Applicant on bail during the pendency of Appeal.
- 2) The Applicant is convicted under Sections 302, 449 and 506 of the Indian Penal Code (IPC) and sentenced to suffer imprisonment for life by the learned District Judge-2 and Additional Sessions Judge, Nashik, in Sessions Case No. 42 of 2021, by its Judgment and Order dated 3rd April 2025.
- 3) It is the prosecution case that, due to the earlier enmity between the deceased Gokul and Yashwant (Accused No.2), on the fateful day, the Applicant along with other accused persons committed murder of Gokul with by use of sickle and stones. The dead body of Gokul was noticed by the Police Patil Pandhari Dive and thereafter the criminal law was set into motion.

3.1) The evidence against the Applicant is circumstantial in nature. In presence of Sanjay Sonawane (PW No. 2), recovery of one sickle and clothes of the Applicant was effected under Section 27 of the Indian Evidence Act. The blood stains found on the clothes of the Applicant were found to be of deceased Gokul. These are the only circumstances against the Applicant for convicting him apart from the circumstance of intention to commit murder.

3.2) It be noted here that, the said recovery of sickle and clothes of the Applicant was from an open space accessible to many villagers. PW 2 in his cross-examination has admitted the fact that, at the time of recovery of the said clothes, he was not knowing whether it belongs to the Applicant or not. The said witness has further admitted that, the weapon was recovered from an open space.

3.3) Record indicates that, the Applicant was on bail during the pendency of trial.

4) In view of the above, during the pendency of the substantive Appeal, we are inclined to suspend the sentence of the Applicant and release him on bail.

4.1) Hence, the following Order.

[i] During the pendency of his Appeal, the substantive sentence imposed upon the Applicant vide Judgment and Order dated 3rd April 2025, passed by the learned District Judge-2 and Additional Sessions Judge, Nashik, Dist. Nashik,

in Sessions Case No. 42 of 2021, is suspended and the Applicant be released on bail on his furnishing PR bond of Rs. 50,000/- with one or two local sureties in the like amount.

[ii] Before his release from jail, the Applicant shall give his prospective residential address and the mobile and/or landline number on which he or any his close relatives can be contacted.

[iii] After his release from jail, the Applicant shall attend the Trambakeshwar Police Station, Dist. Nashik, on every first Monday of each month between 11.00 a.m. and 1.00 p.m. initially for a period of one year and thereafter on every first Monday between 11.00 a.m. and 1.00 p.m. of every third calender month i.e. four times in a year, till the disposal of Appeal.

[iv] In case of two consecutive defaults in complying with the aforestated conditions, the Prosecution is at liberty to file an application for cancellation of bail.

5) Application is allowed in the aforesaid terms.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)