

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 3301 OF 2025****IN****CRIMINAL APPEAL NO. 916 OF 2025**

Suraj Pramod Salve @ Bhurji

.....Applicant

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Adv. Mr. Amrish Salunke a/w Adv. Shraddha Sinde, Adv. Durgesh Pandey,
Adv. Kajal Sharma and Adv. Priyanka Kalekar for the Applicant.
Mr. Ajay Patil APP, for the Respondent-State.

**CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE, JJ.
DATE : 10th NOVEMBER, 2025.**

P.C.:-

- 1) This is an Application for suspension of sentence and releasing the Applicant on bail, during the pendency of Appeal.
- 2) Heard Mr. Salunke, learned counsel for the Applicant and Mr. Patil, learned APP for the Respondent-State.

3) It is the prosecution case that, Accused No.2 Siddhesh Dagale and his mother namely Shaila S. Dagale were having suspicion that, the PW No.1 had lodged a complaint with the Municipal Corporation regarding their unauthorized structure, due to which the Corporation initiated action against it and their house was demolished. Accused No.2 Siddhesh Dagale therefore was having grudge against PW No.1.

3.1) On 25th April, 2019, at about 1.30 a.m., PW No.1 along with his friends Dnyanesh Gurav (deceased), Vishal Bande and Suraj Gaikwad were together. At that time, PW No.1 received a phone call from the Applicant who told him that he was near his house. PW No.1 along with his friends went to his house. At that time, accused Nos.1 to 3 were present along with one unknown person near the house of PW No.1. Accused No.2 Siddhesh abused the deceased by saying that, due to the information provided by deceased, his house was demolished by the Municipal Corporation. PW No.1 tried to console the accused persons by saying that, 'not to give abuses'. At that time, all the accused persons started assaulting the deceased with wooden log. It is alleged that, the Applicant assaulted deceased with a wooden log on his head due to which the deceased fell on the ground. It is further alleged that, the Applicant also assaulted with the said wooden log on the right leg of PW No.1 due to which his leg was fractured.

3.2) The deceased was initially admitted in Mulund General Hospital and subsequently shifted to Aditi Hospital for further treatment. Dnyanesh Gurav (deceased) passed away on 27th April, 2019, while undergoing treatment.

3.3) The trial Court has convicted the Applicant and Accused No.2 Siddhesh for the offences punishable under Sections 302 and 326 r/w 34 of the IPC and sentenced them to suffer imprisonment for life.

4) The aforementioned facts of assault on deceased and PW No.1 are deciphered from the testimonies of PW No.1 and 2. The wooden log used by the Applicant has been recovered at his instance under Section 27 of the Indian Evidence Act.

5) Learned Advocate for the Applicant submitted that, the assault on deceased was not premeditated. That, initially altercations took place which ensued in a scuffle and in it the accused persons assaulted the deceased with wooden log. That, the deceased passed away while undergoing treatment in the hospital after two days. He therefore submitted that, the act of Applicant and other accused person may fall within the purview of Exception 4 of Section 300 and if the Applicant succeeds in the Appeal, he may perhaps be convicted under Section 304 (part II) of the IPC.

6) We find substance in the arguments advanced by the learned Advocate for the Applicant. The record indicates that, the Applicant as on

today has undergone more than six and half years in incarceration. The possibility of Appeal being taken up for final hearing on its own merits in near future is remote.

6.1) In view of the above and after taking into consideration the overall view of the matter, we are inclined to suspend the sentence imposed upon the Applicant and release him on bail.

7) Hence, the following Order :-

- a) During the pendency of Appeal preferred by the Applicant, the sentence imposed upon the Applicant by the learned trial Court by its Judgment and Order dated 8th July, 2025, passed in Sessions Case No.1422 of 2019, is suspended and the Applicant is released on bail on his furnishing PR bond of Rs.50,000/- with one or two local sureties to make up the said amount.
- b) After his release from Jail, the Applicant shall attend Mulund Police Station, Mumbai, on every first Monday of each month between 10.00 a.m. and 01.00 p.m. and mark his presence initially for a period of one year and thereafter on every first Monday between 10.00 a.m. and 01.00 p.m. of every third calendar month i.e. four times in a year till the disposal of Appeal.

- c) Before his actual release from Jail, the Applicant shall furnish his prospective residential address to the Mulund Police Station, Mumbai so also to the trial Court.
 - d) Applicant shall also give his mobile phone number and/OR landline phone number, on which he can be contacted by the police.
 - e) Any two consecutive defaults in complying with the aforestated conditions will attract the provisions of cancellation of bail.
- 8) Application is allowed in the aforesaid terms.

(RANJITSINHA RAJA BHONSALE J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

Digitally signed
by SANJIV
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