

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.3841 OF 2025
(for suspension)
IN
CRIMINAL APPEAL NO.1029 OF 2025**

Atul Hanumant Thombare ... Appellant
Accused No.1

versus

The State of Maharashtra Respondent

**WITH
INTERIM APPLICATION NO.4060 OF 2025
IN
CRIMINAL APPEAL NO.1029 OF 2025**

1. Hanumant Dyanoba Thombare Applicants
2. Sushma Hanumant Thombare Accused Nos.2 & 3

In the matter of

Atul Hanumant Thombare ... Appellant/
Accused No.1

versus

The State of Maharashtra Respondent/s

Mr. Manoj Mohite, Senior Advocate along with Mr. Nilesh Navale,
Advocate for the Applicants in both applications.

Mr. H. J. Dedhia, APP for Respondent No.1-State.

Mr. Vinayak Kapse, PSI, Walje Malwadi Police Station, present.

CORAM : R. M. JOSHI, J.

DATE : 19th NOVEMBER, 2025.

P.C. :

1. Interim Application No.3841 of 2025 is for suspension of

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sentence and enlargement of the appellant/accused No.1 on bail in connection with the judgment and order dated 24th September 2025 passed in Sessions Case No.918 of 2016 whereby the appellant is convicted for offence punishable under Section 304-B of the Indian Penal Code, 1860 (for short "the IPC") and sentenced him to suffer 7(seven) years rigorous imprisonment with fine.

2. Learned counsel for the applicants submits that having regard of the evidence on record, the conviction recorded against the appellant/accused No.1 cannot be sustained at the time of hearing of the appeal. It is his submission, the testimony of the informant, father of the deceased, is full of omissions and contradictions and on the basis of his evidence, the conviction ought not to have been recorded. He drew attention of the Court to the admissions of the witnesses with regard to the payment of Rs.2,00,000/- made by accused No.1 to the father of the deceased and according to him, in such circumstances, there is no substance in the allegations that the accused demanded money from the father of the deceased. Reference is also made to the evidence with regard to the demand at the time of marriage, which according to him, from the evidence on record, becomes unacceptable. Finally, it is submitted that since the appeal is not likely to be heard in short period of time, the appeal may become infructuous, if the appellant is not enlarged on bail. He claims that appellant/accused No.1 has no criminal history behind him.

3. Learned APP opposed the application by drawing attention of the Court to the evidence on record, which according to him is sufficient to prove the guilt of the appellant/accused No.1.

4. In order to be entitled for the suspension of sentence and enlargement on bail, the appellant/accused No.1 must show that he has a reasonable case of success at the time of hearing of the appeal finally. Prima facie perusal of the record and the evidence of witnesses as pointed out to this Court indicate that the act of accused No.1 having paid Rs.2,00,000/- to the father of the victim during the relevant time, is admitted. Similarly, the evidence with regard to the demand of dowry incident at the time of marriage is inconsistent. There is evidence of the father of the deceased indicating that the accused had alleged the illicit relation of deceased with a particular person. In the facts of this case it cannot be said that the appellant/accused No.1 has no case to make out for his acquittal during the hearing of the appeal. Since the appeal is not likely to be heard in short period of time and as the appellant/accused No.1 has no criminal history, this is a fit case for allowing the application.

5. Insofar as accused Nos.2 and 3/applicants in Interim Application No.4060 of 2025 are concerned, they are not convicted for the offence punishable under Section 304-B but are convicted for offence punishable under Section 498A and sentenced to suffer 1 (one) year imprisonment. As discussed hereinabove, there are inconsistencies in the

evidence with regard to demand of dowry as a result of this, they are also entitled for suspension of sentence.

6. In view of above, the following order :

O R D E R

- (i) The applications are allowed.
 - (ii) Substantive sentence imposed against the applicants/accused Nos.1, 2 and 3 by judgment and order dated 24th September 2025 passed in Sessions Case No.918 of 2016 passed by the Additional Sessions Judge, Pune, stands suspended till the decision of appeal.
 - (iii) The applicants/accused Nos.1,2 and 3 be enlarged on bail on furnishing P.R.Bond of Rs.15,000/- each with one solvent surety in the like amount to the satisfaction of the Trial Court.
- The interim applications stand disposed of in above terms.

7. It is clarified that above observations are made on prima facie consideration of the material on record and the same shall not bind the parties during the final hearing of the appeal.

(R. M. JOSHI, J.)