

Priya Soparkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 4638 OF 2025

IN
CRIMINAL APPEAL NO. 1233 OF 2025

Shalini Krishna Kolhe and anr.	...Applicants
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Avinash Bhaskarrao Avhad (through V.C.), with Mr. Sachin
Gawade, for the Applicants
Mr. H.J. Dedhia, APP, for the State.

CORAM: R. M. JOSHI, J.

DATED: 7th JANUARY, 2026.

PC:-

1. This Application is for enlargement on bail and suspension of sentence in connection with Judgment and Order dated 13th November, 2025 passed in Sessions Case No.161 of 2017 passed by the Additional Sessions Judge, Pune, whereby the Applicants are convicted for the offence punishable under section 306 read with 34 of IPC and sentenced to suffer 7 years imprisonment with fine of Rs.25,000/- each.

2. Learned counsel for the Applicants submits that even if the evidence led by the prosecution is accepted to be correct, it cannot

be said that there was any intention on the part of the accused persons to drive the deceased to commit suicide. It is argued that the evidence led before the Trial Court only indicates that there used to occur frequent quarrels between the deceased and the accused persons. It is his submission that as it appears from the evidence of PW 3 that he was called by accused No.1 to ensure that the deceased does not commit suicide and which indicates that there was no intention on the part of the accused persons to abet the act of commission of suicide. It is claimed that the Applicants are female and having no criminal history.

3. Learned APP appearing for the State opposed the application by contending that there is evidence of the Informant i.e. sister of the deceased who categorically states about the harassment being caused by the accused persons to the deceased. It is his submission that the said evidence gets corroboration from the evidence of the neighbour i.e. PW 5. It is submitted that having regard to the evidence of the erstwhile husband of accused No.2, the evidence of these witnesses indicates that the intention of the accused was to drive the deceased to commit suicide.

4. In order to seek suspension of sentence and enlargement on bail Applicants have to make out the case that on merits they have a fair chance of success. *Prima facie* perusal of the evidence on record indicates that there used to occur frequent quarrels between husband and wife. Further some disputes were definitely there with regard to the gold ornaments obtained by the deceased from accused No.1 for the purchase of the flat and the amount being sought back by her. Merely for the reason that share occurred

frequent quarrels between husband and wife so also on account of dispute over sale of gold ornaments of Accused No.1 by deceased, it cannot be said that she always intended to drive deceased to commit suicide or create a situation to hold that deceased was left with no other option but to commit suicide.

5. Moreover, it is pertinent to note that as per the testimony of PW 3, accused No.1 had called him when the deceased threatened to commit suicide. This act of the accused No.1 goes from contrary theory sought to be canvassed on behalf of the prosecution that accused persons wanted deceased to die.

6. Suffice it to say that, the Applicants would have a reasonable chance of success in the appeal. Applicants are female with no criminal history. They are not likely to flee from justice.

7. As a result of above discussion, the following order is passed:

ORDER

(i) Interim Application stands allowed.

(ii) The substantive sentence imposed against the Applicants by the Judgment and Order dated 13th November, 2025 by passed by the Additional Sessions Judge, Pune in Sessions Case No.161 of 2017 stands suspended till the decision of the Appeal.

(iii) The Applicants be enlarged on bail on furnishing P. R. bond in a sum of Rs.15,000/-

(Fifteen thousand rupees) each with one surety in the like amount.

(iv) Observations herein above are made on *prima facie* consideration of evidence on record and same shall not come in way while deciding appeal on merits.

8. In view of the above, Interim Application No.4638 of 2025 stands disposed of.

(R. M. JOSHI, J.)