IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1247 OF 2025
IN
CRIMINAL APPEAL NO.228 OF 2025

SAMBHAJI SHIVAJI WALHEKAR
VERSUS
THE STATE OF MAHARASHTRA

....
Advocate for the applicant : Ms. M. V. Narwade (Appointed through Legal Aid)
A.P.P. for Respondent/State : Mr. Govind A. Kulkarni
....

CORAM : SANDIPKUMAR C. MORE AND
VAISHALI PATIL-JADHAV, JJ.

RESERVED ON : 12/10/2026
PRONOUNCED ON : 13/10/2026

ORDER:- (PER : SANDIPKUMAR C. MORE, J.) :

1. Heard the rival submissions.

2. By this application, the applicant, who is the original accused in Sessions Case No.132 of 2023, seeks suspension of his substantive sentence of life imprisonment during the pendency of the appeal and his release on bail.

3. As per the prosecution case, the informant, Daulat Walhekar, i.e., the brother of the applicant, lodged a report alleging that on 14.04.2023, at around 2:00 a.m., his nephew, Suraj, approached him

and asked him to come to his house, stating that the applicant / accused had murdered his mother by using a stone. Upon reaching the spot, the informant saw the applicant / accused sitting there with a paver block near him. His sister-in-law, i.e., the deceased Neelam, had sustained grievous injuries to her head and was lying dead. The applicant / accused allegedly admitted, in the presence of the police, that he had murdered his wife using a paver block. By judgment dated 28.01.2025, the learned Sessions Judge, Beed, convicted the applicant for the offence punishable under Section 302 of the Indian Penal Code.

4. The learned counsel for the applicant / accused submits that there is no eyewitness to the incident and that the prosecution case is entirely based on circumstantial evidence. According to her, though the applicant's son deposed against him, he had not witnessed the incident. She further submits that despite the presence of the applicant's mother at the spot, the prosecution did not examine her as a witness. The informant's testimony was based on the information provided by Suraj. In these circumstances, the learned counsel submits that the applicant / accused may be released on bail during the pendency of the appeal.

5. Per contra, the learned A.P.P. strongly opposes the submissions

advanced on behalf of the applicant / accused. According to him, the applicant and the deceased were last seen together, as they had slept on a cot in the courtyard of their house. Further, human blood was found on the applicant's clothes and the police seized a paver block from the spot, which was allegedly used in the commission of the offence. The learned A.P.P. further submits that there were frequent quarrels between the applicant / accused and his wife over demands for money. He points out that the applicant's own brother and son have deposed against him. In view of the *prima facie* material indicating the applicant's involvement in the crime, he submits that the application deserves to be rejected.

6. Admittedly, no one witnessed the actual incident. However, the evidence indicates that the applicant / accused and the deceased, his wife, had slept on a cot in the courtyard of their house. Further, at around 2:00 a.m., the applicant knocked on the door of his house. When his son, Suraj, woke up and opened the door, the applicant could not satisfactorily explain the circumstances in which the incident had occurred. The evidence further indicates that a bloodstained paver block was found at the spot and that the applicant's clothes were also stained with blood. Moreover, the applicant's own son and brother have deposed against him. The death of the applicant's wife was admittedly homicidal and the

applicant / accused failed to offer any plausible explanation in his statement recorded under Section 313 of the Code of Criminal Procedure.

7. Having regard to the aforesaid circumstances and the *prima facie* material indicating the applicant's involvement in the crime, we are not inclined to grant the relief sought by the applicant at this stage. Accordingly, the application stands rejected.

8. The High Court Legal Services Sub-Committee, Aurangabad, shall pay the fees of Rs. 3,000/- (Rupees Three Thousand Only) to the learned advocate appointed for the applicant within four weeks from today.

(VAISHALI PATIL-JADHAV)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE

VS Maind/