IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1573 OF 2026
IN CRIMINAL APPEAL No. 293 of 2026

EKNATH CHANDRABHAN KURHADE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA
...
Advocate for applicant Nos. 1 to 3 : Mr. N. S. Ghanekar
A.P.P. for Respondent/State : Mr. G. A. Kulkarni
.....

WITH
CRIMINAL APPLICATION NO. 2146 OF 2026
IN
CRIMINAL APPEAL NO. 445 OF 2026

SHANKAR BANDU KURHADE AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA
....
Advocate for applicant Nos. 4 & 5 : Mr. N. C. Garud
A.P.P. for the Respondent/State :Mr. G. A. Kulkarni,
....

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

RESERVED ON : SEPTEMBER 13, 2026
PRONOUNCED ON : OCTOBER 14, 2026

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

1. Heard rival submissions.

2. By way of these applications the applicants, who are the

original accused in Sessions Case No. 131 of 2016, are seeking suspension of their substantive sentences of life imprisonment, during the pendency of these appeals and also their release on bail. All these accused are convicted for the offence punishable under Sections 302 & 201 read with Section 34 of the Indian Penal Code.

3. According to the prosecution story, deceased Sangita was married with accused No.1 in the year 2012. However, thereafter dispute arose and accused started demanding amount of Rs. 2,00,000/- for purchasing a tractor. On non-fulfillment of demand, accused started harassing her. Thereafter on 10.04.2016, a meeting for resolving the dispute among the parties was held at the house of accused Nos. 4 and 5 at Umapur. However, the informant i.e. father of deceased Sangita left her there only as accused Nos. 4 and 5 had assured that they would mediate the matter and sent Sangita for cohabitation. Thereafter, on next day i.e. on 11.04.2016, a message was received about finding dead body of Sangita in a burnt condition in one well at Umapur. During the investigation, it was revealed that all the accused persons set her ablaze and threw her body in the well. Accordingly, the crime was registered and after conducting the trial, all the accused were convicted as aforesaid.

4. The learned counsel for the applicants, who are accused Nos. 1 to 3 in Application No. 1573 of 2026, submits that, there is no eye witness to the incident and the case is based on circumstantial evidence only. According to him, there were only two circumstances against these applicants namely last seen theory and homicidal death of Sangita. He submits that these applicants had in fact left Sangita at the place of accused Nos. 4 and 5 on 10.07.2016 and returned to their native place, which was 25 Kms away from village Umapur and therefore, they were not involved in the crime. According to him, the learned Trial Court wrongly invoked Section 106 of the Indian Evidence Act to convict the accused Nos. 1 to 3.

5. On the other hand, the learned counsel for accused Nos. 4 and 5, who are the applicants in application No. 2146 of 2026, submits that, though Sangita stayed in the house of these accused, but she herself committed suicide by setting her ablaze and they do not know as to how the dead body of Sangita was found in the well.

6. On the contrary, the learned A.P.P. strongly supported the conviction of the applicants/accused and submitted that, the learned Trial Judge, after considering the evidence on

record, has convicted all the accused. According to him, deceased Sangita was last seen in the company of accused and therefore, the accused were under obligation to explain the homicidal death of deceased Sangita. As such, he prayed for dismissal of the application.

7. Admittedly, the prosecution case is based on circumstantial evidence. It appears that, at the time of recovery of the quilt in burnt condition, accused No.4 had given a memorandum, mentioning that Sangita herself committed suicide by setting her on fire and only to screen the said fact, they put her dead body in the well. However, it appears that prosecution has not established the circumstance that accused Nos. 1 to 3 were also with accused Nos. 4 and 5 at the time of the incident. Moreover, the cause of death is due to drowning after receiving the burnt injuries. It is to be noted that, the informant i.e. father of the deceased in the examination-in-chief itself stated that after the Mediation meeting, all the accused had assured that, they would treat Sangita properly and from the said meeting itself, they took Sangita for cohabitation at her matrimonial house. He has further stated that when he returned home, then he learnt from one Ayyub Pathan that accused started beating Sangita

and thereafter he sent one Ganesh Shinde to the house of accused Nos. 4 and 5, who stated that Sangita was in the company of accused and there was no dispute. However, both these witnesses have not examined by the prosecution. Admittedly, the death of Sangita was homicidal, but during the pendency of the trial, all these accused were released on bail till conclusion of the trial. Under such circumstances, we are of the opinion that since the hearing of the appeal will take considerable time, the applicants/accused can be released on bail during the pendency of these appeals. Hence, we pass the following order :

ORDER

(A) The applications are allowed.

(B) The substantive sentences of imprisonment imposed upon the applicants/accused Eknath Chandrabhan Kurhade, Chandrabhan Dasu Kurhade, Fulabai Chandrabhan Kurhade, Shankar Bandu Kurhade, Gangubai Shankar Kurhade in Sessions Case No. 131 of 2016 under judgment and order dt.30.03.2026 passed by the learned Additional Sessions Judge, Beed is hereby suspended during the pendency of these appeals.

(C) The applicants be released on execution of P.R. Bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with one surety in the like amount, if not required in any other case.

(D) The applications are accordingly disposed of.

(VAISHALI PATIL-JADHAV)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE

YSK/