IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2853 OF 2026
IN CRIMINAL APPEAL NO. 657 OF 2026

Kedarnath s/o Tukaram Bulbule,
Age 35 years, Occupation Labour,
R/o Choramba (Bk), Taluka Hadgaon,
District Nanded. **... Appellant**

Versus

The State of Maharashtra
Through Police Inspector,
Ardhapur Police Station,
Taluka Ardhapur, District Nanded. **... Respondent**

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Mr. S. S. Gangakhedkar, Advocate for the Applicant.
Mr. V. S. Badakh, APP for the Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 07.10.2026
Pronounced on : 08.10.2026

ORDER :

1. Instant application is for suspension of sentence awarded in Sessions Case No.183of 2021 dated 22.04.2026 by the learned Additional Sessions Judge-1, Nanded, for offence under Section Section 304 Part (I) of the Indian Penal Code [IPC] and equally, prayer is raised for grant of bail also.

2. Learned Counsel for the applicant pointed out that applicant is convicted for offence under Section 304 Part (I) of IPC and that he has been sentenced to suffer rigorous imprisonment for ten years. Learned Counsel for the applicant pointed out that, applicant is behind bars since around five to six years. He pointed out that, there is no direct evidence and rather case is based on circumstantial evidence. That, there are allegations of committing murder of wife by use of stone, however, *plea of alibi* has not been appreciated by the learned Trial Court. He pointed out that, in fact, there was no reason to commit murder and moreover, prosecution witnesses, who are relatives of deceased, have also admitted that there were cordial and normal relations between deceased and applicant. Case is of sudden and grave provocation, but there is no evidence of any quarrel. He pointed out that, according to prosecution, accused was alcoholic, but it was not proved that, at the time of incident, she was under influence of liquor. That, applicant did not flee and rather, he attempted to inform the near and dear ones of deceased. He was also present at the time of funeral. Learned Counsel for the applicant pointed out that had he been responsible, he would have absconded and not remained present till he was arrested. That, there is non consideration of such crucial aspects and, therefore, appeal has been preferred. But, as the appeal may not be heard in near future, he

prays for suspension of sentence and grant of bail for above reasons.

3. Learned APP opposed the application on the ground that conviction has been recorded upon full fledged trial and there is brutal murder of wife.

4. Perused the papers. Applicant was tried vide Sessions Case No.183 of 2021 in the backdrop of registration of crime bearing No.156 of 2021 for offence under Section 302 of IPC, but on completion of trial it is seen that he finally came to be convicted for offence under Section 304 Part (I) of IPC. Before Trial Court, prosecution seems to have examined 13 witnesses. Learned Trial Court, after appreciating the evidence, has held that death of Vedika was homicidal in nature. There does not seem to be ocular evidence or direct evidence and as such case seems to be based on circumstantial evidence. It seems that learned Trial Court has held that accused was alcoholic and there used to be frequent quarrel on such count. Applying Section 106 of the Indian Evidence Act, the conviction appears to have been recorded on the ground that no plausible explanation was offered by the accused regarding the deceased having met with a homicidal death in the house. Consequently, case apparently seems to be based on circumstantial evidence.

5. The fundamental ground put forth is that applicant is behind bars since over five years. The date of judgment of the learned Trial Court is of April, 2026 and the same is under challenge. Operative order suggests that applicant was not on bail since his arrest. The appeal being of 2026 may not be heard earlier. Taking into account the long period of incarceration already undergone i.e. over 5 years out of 10 years, the relief as prayed deserves to be granted. Hence, I proceed to pass the following order:

ORDER

I. Criminal Application stands allowed.

II. The substantive sentence imposed on the applicant Kedarnath s/o Tukaram Bulbule in Sessions Case No. 183 of 2021 by the learned Additional Sessions Judge-1, Nanded on 22.04.2026 stands suspended till the final hearing and disposal of Criminal Appeal No. 657 of 2026.

III. The applicant be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with two solvent sureties in the like amount.

IV. The applicant shall not commit any criminal activity.

V. The applicant shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the appeal, commencing from the date he tenders bail papers and thereafter, the trial Judge to fix dates for his subsequent appearances.

VI. In case of two consecutive defaults on the part of the applicant to remain present before the trial court, the trial court to inform this court about the same and in that eventuality, the prosecution would be at liberty to file an application for cancellation of bail granted to the applicant.

VII. Bail before the trial court.

[ABHAY S. WAGHWASE, J.]

scm