

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3952 OF 2025
IN
CRIMINAL APPEAL NO. 815 OF 2025

RAJU SHEKLAL LOKHANDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

....
Advocate for the applicant : Ms. Tanvi V. Jadhav (Appointed)
A.P.P. for Respondent/State : Mr. P.K. Lakhotiya
....

**CORAM : SANDIPKUMAR C. MORE AND
ABASAHEB D. SHINDE, JJ.**

DATED : JANUARY 14, 2026

ORDER:-

1. Heard rival submissions.
2. By this application, the applicant, who is the original accused in Sessions Case No. 155 of 2021, is seeking suspension of his substantive sentence of life imprisonment, during the pendency of this appeal and his release on bail.
3. As per the prosecution story, the applicant/accused committed murder of the mother of the informant Ravindra Prabhakar Jadhav, when she retaliated at the time of attempt by the accused of committing theft. The learned Additional Sessions Judge, Chhatrapati Sambhajinagar, vide

judgment dated 28.07.2025 convicted the applicant for the offence punishable under Sections 302, 460, 323 of the Indian Penal Code.

4. The learned counsel for the applicant submits that, there is no eye witness to the incident and the case is entirely based on circumstantial evidence. According to her, the prosecution has not established the entire chain of circumstances leading to the guilt of applicant/accused. She pointed out that the accused had in fact gone to the spot of incident to purchase the cow and on suspicion, he was caught by the son of the deceased. She pointed out that, the dead body of the mother of informant was found in one Nala, situated at some distance from her house and the applicant/accused was not at all aware of the same. She also relied on the judgment of Hon'ble Apex Court in the case of ***Jamnallal Vs. State of Rajasthan And Another 2025 [Live Law (SC)779]*** wherein the Hon'ble Apex Court observed as thus :-

“ Bearing in mind the aforesaid principles of law, the endeavour on the part of the Court, therefore, should be to see as to whether the case presented by the prosecution and accepted by the trial Court can be said to be a case in which, ultimately the convict stands for fair chances of acquittal. If the

answer to the above said question is to be in the affirmative, as a necessary corollary, we shall have to say that, if ultimately the convict appears to be entitled to have an acquittal at the hands of this court, he should not be kept behind the bars for a pretty long time till the conclusion of the appeal, which usually takes very long for decision and disposal. However, while undertaking the exercise to ascertain whether the convict has fair chances of acquittal, what is to be looked into is something palpable. To put it in other words, something which is very apparent or gross on the face of the record, on the basis of which, the Court can arrive at a *prima facie* satisfaction that the conviction may not be sustainable. The appellate Court should not re-appreciate the evidence at the stage of Section 389 Cr.P.C. and try to pick up a few lacunae or loopholes here or there in the case of the prosecution. Such would not be a correct approach.”

5. Per contra, the learned A.P.P. strongly opposed the submissions made on behalf of the applicant. According to him, the applicant/accused was caught on the spot of incident by the informant in suspicious condition. Moreover, the lying of gold ear rings of the deceased on the spot of incident indicated that, the accused must have entered into the house with intention to commit theft. The blood of the deceased was also found on the clothes of accused/applicant. The prosecution has therefore, established the chain of circumstances against

the accused, to which he did not offer any plausible explanation.

6. It is significant to note that there is evidence of the informant on record, which clearly indicates that the accused/applicant was present on the spot of incident and when the informant saw him in suspicious condition, he locked the back door of the house and tried to escape from front door. Further, it is proved that at the relevant time, the informant caught the applicant on the spot itself and thereafter, when he searched for his mother, she was found lying in Nala, adjacent to the said house. Further, blood of the deceased was also found on the clothes of the applicant and the earrings stained with blood of the deceased found on the spot, indicated the intention of the applicant of committing theft.

7. The prosecution has alleged that, the offence took place inside the house and therefore, the applicant, who was caught immediately in the said house, was under an obligation to give plausible explanation about his presence as well as innocence. No such plausible explanation has come from the applicant/accused. As such, on the basis of circumstantial evidence, the involvement of the applicant in the crime appears *prima facie*. Though the learned counsel for the applicant relied on the

judgment in the case of **Jamnallal** (supra), but for the non-involvement of the accused in the crime, something which is very apparent or gross on the face of record indicating his innocence, must be there. As such, the aforesaid judgment is not helpful to the applicant.

8. Therefore, considering the aforesaid aspect, we are not inclined to suspend the substantial sentence of imprisonment of the applicant and to release him on bail, during the pendency of this appeal. Accordingly, the application stands rejected.

9. The fees of learned counsel appointed to represent applicant be quantified as per rules and be paid to her expeditiously.

(ABASAHEB D. SHINDE)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE

Y.S. Kulkarni