



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**908 CRIMINAL APPLICATION NO. 1415 OF 2026
IN APEAL/851/2025
WITH CRIMINAL APPEAL NO. 784 OF 2025**

**SAINATH GOPINATH INGALEWAD
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. Salunke Sudarshan J.
APP for Respondents/State : Mr. PK. Lakhotiya
Advocate / Assist to PP : Mr. N.D. Kendre

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**CORAM : NITIN B. SURYAWANSHI &
VAISHALI PATIL JADHAV, JJ.
DATE : 7th May, 2026**

PC. :-

1. By this application, the applicant seeks bail during the pendency of appeal. The applicant is convicted by the learned Additional Sessions Judge, Udgir for offence punishable under Section 302 read with Section 34 of the I.P.C. along with accused no.2 and is sentenced to suffer life imprisonment with fine
2. Heard learned advocate for the applicant and learned APP for the State.
3. Learned advocate for the applicant assailed the impugned judgment and order of conviction on merits by submitting that even if the

incident as alleged by the prosecution has taken place at the most the applicant can be given benefit of first exception of Section 300 as the incident has taken place due to grave and sudden provocation given by the deceased to the applicant. In support of the said submissions, he relied on transcript of conversation which has taken place between the applicant and the deceased half an hour before the incident. He further submits that the applicant has undergone 6 years incarceration. The Hon'ble Supreme Court has released one accused on bail after he had undergone 6 years and 8 months incarceration, as the Hon'ble Supreme was not in a position to take up his appeal expeditiously. Further submission is since accused no.2 who was similarly situated like the applicant is granted bail by this Court, the applicant is entitled for bail on the ground of parity.

4. Learned APP on the other hand strenuously opposed the application. He submitted that this is not a case of grave and sudden provocation. There was 30 minutes gap between the conversation and the actual incident and with a pre-plan the applicant approached the deceased and has given him nine stab injuries. Therefore, the applicant cannot seek benefit of Section 1 of Section 300. He therefore submits that there is no merit in the application and the same be rejected.

5. With the assistance of learned advocate for the applicant and the learned APP, we have perused the evidence.

6. Record reveals that there are two eye witnesses to the incident i.e. PW1 and PW2 and they have supported the prosecution case. They have specifically deposed that the applicant inflicted several stab injuries on the person of the deceased. Medical evidence shows that there were nine stab injuries, four on abdomen, two on the chest, two on the back, lower back and one on the arm. The applicant after the incident has surrendered before the police and the murder weapon i.e. Sattur is seized by recording his memorandum panchanama.

7. *Prima facie*, we do not find any merit in the argument of the applicant that there was grave and sudden provocation on the part of the deceased due to which the applicant lost his control and attacked the deceased. On the contrary, evidence suggests that the applicant no.1 had gone to the spot of incident after half an hour carrying Sattur with a pre-plan to attack the deceased.

8. Accused No.2 is released on bail by this Court by taking into consideration the role attributed to him by the prosecution that he held the deceased when the applicant attacked. Even his identification in the test identification parade was held to be doubtful. Since the applicant is the

assailant who has brutally attacked and killed the deceased he cannot claim parity as that of accused no.2.

9. The order of Hon'ble Supreme Court relied upon by the applicant is in respect of conviction under Section 376(d). In those facts the Apex Court held that the appellant therein had undergone 6 years and 8 months of incarceration and since it was not in a position to take up the appeal for final hearing, bail was granted. This order would not help the applicant to seek bail in the present set of facts.

10. *Prima facie*, we are of the view that there is sufficient material on record to sustain the conviction of the applicant. The applicant so far has undergone 6 years incarceration. Presently, we are dealing with criminal appeals of 2023 and since sentence of life imprisonment is imposed on the applicant, we are of the opinion that 6 years is not sufficient period of incarceration to entitle the applicant for bail.

11. In the light of above, we do not find any merit in the application and the same is rejected.

12. Appeal is expedited.

[VAISHALI PATIL JADHAV, J.]

[NITIN B. SURYAWANSHI, J.]