IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 102 OF 2026
IN
CRIMINAL APPEAL NO. 40 OF 2026
WITH
CRIMINAL APPEAL NO. 40 OF 2026

Vinod Bhiku Mudgal ...Applicant

V/s.

The State of Maharashtra ...Respondent

Mr. Abhijeet Kadam, for the Applicant.
Mr. Pankaj Popatrao Deokar, APP for the Respondent-State.
Mr. V. N. Chougale, PC/196, Sangmeshwar Police Station, Ratnagiri is present.

CORAM : NEERAJ P. DHOTE, J.
DATE : 19th NOVEMBER, 2026

P. C. :

1. This is an application for suspension of the sentence imposed by the learned Additional Sessions Judge, Ratnagiri in Sessions Case No. 25 of 2022 by Judgment and Order dated 19th January 2026, convicting and sentencing the Applicant as follows:

> *"1) The accused namely Vinod Bhiku Mudgal is convicted vide section 235(2) of Cr.PC for the offence punishable under section 307 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for 10 (Ten) years and shall pay fine of*

Rs.3,000/- (Rs. Three Thousand Only) in default to suffer simple imprisonment for 3 (three) months.

2) The accused being in jail during investigation and trial, the period of detention during that Judicial custody shall be set off against the term of imprisonment imposed on him and the imprisonment for this conviction shall be restricted to the remainder in view of Section 428 of Cr.P.C.

3) The seized muddemal at serial no.1 to 4 i.e., Article C one small plastic container having blood, Article D small pieces of bangles, Article E one half sleeves shirt of gray colour, with pink, white colour thin check having written DJ & C. Essentials, Article F one blue colour Trouser Full pant SIZE 28 be destroyed after expiry of appeal period.

4) The accused is made aware that he will get legal aid service for preferring appeal if he needs. He stated that he needs legal aid. Hence, matter be referred to District Legal Services Authority, Ratnagiri.

5) Copy of this judgment be delivered to accused free of cost.

2. It is the case of the prosecution that the informant-cum-victim was running a flour mill. There was dispute between the victim and the Applicant. On 14th May 2022, when the informant was present in her house and doing household work, the Applicant came and throttled her. Due to the same, there was bleeding from the nose of the victim. The victim fell unconscious. After regaining consciousness, the victim reported

the incident to the police station and Crime No. 68 of 2022 came to be registered with the Sangameshwar Police Station for the offence punishable under Section 307 of the Indian Penal Code. After the trial, the Applicant came to be convicted and sentenced as above.

3. Heard the learned Counsel for the Applicant and the learned APP for the State. With their assistance, perused the papers on record.

a) It is submitted by the learned Counsel for the Applicant that, due to the enmity, a false case has been registered against the Applicant. The medical evidence shows that the injuries on the victim were simple in nature. The Applicant is behind bars for a period of almost five (5) years. The application be allowed.

b) It is submitted by the learned APP for the State that, considering the serious nature of the crime, the learned Trial Court has rightly convicted and sentenced the Applicant and no case exists for suspending the sentence.

4. The prosecution's case rests on the testimony of the victim, who is examined as P.W.No.3. She deposed of the incident of throttling by the Applicant on 14th May 2022. The medical evidence goes to show that, the injuries were not life-threatening and were simple in nature. The sentence awarded by the learned Sessions Court is term sentence of 10 years. The Applicant is behind bars for a period of 4 years and 7 months. The appeal

is of 2026 and not likely to be heard finally in the near future. Under such circumstances, I am inclined to pass the following order :

ORDER

i) The Application is allowed.

ii) The substantive sentence imposed by the learned Additional Sessions Judge, Ratnagiri in Sessions Case No. 25 of 2022 by Judgment and Order dated 19th January 2026 on the Applicant/Appellant, is suspended during pendency of the Appeal.

Iii) Applicant-Vinod Bhiku Mudgal be released on bail on furnishing P. R. Bond of Rs. 30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

iv) The Applicant shall cooperate with this Court in the early disposal of the appeal.

v) Bail before the Trial Court.

CRIMINAL APPEAL NO. 40 OF 2026 :

1. This is an appeal against conviction.

2. Admit.

3. Issue notice to Respondents.

4. Learned APP waives service of notice for the Respondent/State.

5. Call for record and proceedings with the paper book.

[NEERAJ P. DHOTE, J.]

RAJU DATTATRAYA GAIKWAD
Digitally signed by RAJU DATTATRAYA GAIKWAD
Date: 2026.11.19 16:33:09 +0530