IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

CRI-INTERIM APPLICATION NO. 321 OF 2026
IN
CR. APPEAL NO. 126 OF 2026

1. Dinesh Mahadev Kadam &
2. Minakshi Mahadev Kadam ……Applicants

Versus.

The State Of Maharashtra ……Respondent

Mr. Shreyash S. Butala for Applicants.
Mr. C.D. Mali, A.P.P. for the Respondent-State.

Coram : ASHWIN D. BHOBE, J.

Date : 6th October 2026.

PER COURT :

1. Heard Mr. Shreyash Butala, learned Advocate for the Applicants and Mr. Mali, learned A.P.P. for the Respondent-State.

2. The Applicants are Accused Nos. 1 and 2 in Crime No. 84 of 2016, registered at Savarde Police Station, District Ratnagiri. The said crime was registered as Sessions Case No. 30 of 2020. By the Judgment and Order of conviction dated 2nd May 2026 in Sessions Case No. 30 of 2020 ("impugned

judgment"), the Applicants are convicted of the offence punishable under Section 306 of the IPC and sentenced to rigorous imprisonment for ten years and to pay a fine of Rs. 25,000/-. Applicants have also been convicted of the offence punishable under Section 498-A read with Section 34 of the IPC and sentenced to rigorous imprisonment for three years and to pay a fine of Rs.10,000/-.

3. Criminal Appeal No. 126 of 2026, filed by the Applicants, was admitted on 9th September 2026.

4. Mr. Shreyash Butala, learned Advocate for the Applicants, submits that during the pendency of Sessions Case No. 30 of 2020, the Applicants were on bail. He submits that upon their conviction, the Applicants were taken into custody on 2nd May 2026 and have remained so. He submits that the Applicants regularly appeared before the Trial Court and did not violate the bail conditions during the trial of Sessions Case No. 30 of 2020.

5. Mr. Shreyash Butala, learned Advocate for the Applicants, submits that the ingredients of the offence under Section 306 and 498-A of the IPC are not established against the Applicants. He submits that the allegations against the Applicants are vague and that the evidence led by the prosecution does not support the ingredients of the said offences. He further submits that the star witness, namely, the complainant, has not proved the allegation.

6. Mr. Mali, learned A.P.P. for the Respondent-State, submits that the Applicants have been convicted after a full-fledged trial.

7. Perused the grounds in the Memo of Appeal in the context of the impugned judgment. Prima facie, the Applicants have a good prospect of acquittal.

8. Considering that the Applicants were on bail during the pendency of Sessions Case No. 30 of 2020 and that the Appeal has been admitted, the Applicants are entitled to suspension of the sentence and bail.

9. This Application is, therefore, allowed on the following conditions.

A. The sentence imposed by the Trial Court in the impugned Judgment and Order of conviction dated 2nd May 2026 in Sessions Case No. 30 of 2020 shall stand suspended during the pendency of the Appeal, and the Applicants shall be released on bail on the following conditions:

(i) The Applicants shall be released on bail upon furnishing a PR Bond of Rs.25,000/- each, with one or two sureties in the like amount, to the satisfaction of the Additional Sessions Judge, Chiplun.

(ii) The fine imposed by the Judgment and Order of conviction dated

2nd May 2026 shall be deposited, if not already deposited, within a period of two (2) weeks from today before the Additional Sessions Judge, Chiplun.

(iii) The Applicants shall regularly appear before this Court as and when Criminal Appeal No. 126 of 2026 is listed on the Cause list.

(iv) The Applicants shall, within three (3) days of their release, provide their address along with proof and telephone numbers to the Investigating Officer, at Savarde Police Station, District Ratnagiri.

(v) In the event of any default in complying with the conditions or misuse of the liberty granted to the Applicants, the prosecution shall be at liberty to seek cancellation of bail.

10. The Interim Application No. 321 of 2026 is allowed in the above terms.

[ASHWIN D. BHOBE, J.]

OMKAR SHIVAHAR KUMBHAKARN
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