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

CRI-INTERIM APPLICATION NO.678 OF 2026
IN
CRIMINAL APPEAL NO. 294 OF 2026

Sanideol Suresh Kale ……Applicant

V/s.

The State Of Maharashtra ……Respondent

Mr. Priyal G. Sarda, Advocate for the Applicant (through V.C.)
Mr. Shrikant Hanmantrao Yadav, APP for the Respondent-State.

CORAM : NEERAJ P. DHOTE, J.
DATE : 20th NOVEMBER, 2026

P. C. :

1. This is an Application for Suspension of Sentence imposed by the learned Additional Sessions Judge, Solapur in Sessions Case No.348 of 2022 by the Judgment and order dated 29.11.2025 convicting and sentencing the Applicant as follows :

"ORDER

1) The accused Sanideol Suresh Kale is convicted under Section 235(2) of the Code of Criminal Procedure, 1973 for the offences punishable under Sections 395 and 397 of the Indian Penal Code.

2) The accused is sentenced to suffer rigorous imprisonment

for seven years for the offence punishable under Section 395 of the Indian Penal Code. He shall also pay fine of Rs.5,000/-. In default of payment of fine, he shall suffer further imprisonment for six months.

3) The accused is sentenced to suffer rigorous imprisonment for seven vears for the offence punishable under Section 397 of the Indian Penal Code.

4) Both substantive sentence shall run concurrently.

5) The accused is entitled to set off for pre-detention conviction period from 26/07/2022 till today i.e. 29/11/2025 vide Section 428 of the Code of Criminal Procedure.

6) Muddemal property i.e. eight gold articles viz. (i) gold ganthan weighing 4 tola worth Rs.1,00,000/-, (ii) two lockets weighing 2 tola worth Rs.50,000/-, (iii) a pair of earrings weighing 3 grams worth Rs.15,000/-, (iv) one necklace weighing 2 tola worth Rs.35,000/-, (v) four silver toe rings weighing 4 tola worth Rs.7,000/-, (vi) gold ring weighing 2 grams worth Rs.14,000/-, (vii) a pair of silver anklets worth Rs.7,000/- and (viii) one pair of silver bichave worth Rs.2,000/-, totaling to Rs.2,30,000/- shall be returned to the informant Reshma Madhukiran Dorle after appeal period is over.

7) Copy of this judgment and order be provided to the accused free of costs.

8) The accused is in Yervada Prison. Copy of this judgment and order be sent to him by e-mail and by post.

9) The Investigating Officer/In-charge of Mohol Police Station is directed to file supplementary charge-sheet against absconding accused."

2. It is the Prosecution's case that, the Informant who is the resident of Mangalwedha, Dist. Solapur, had gone to her parental house along with her children on 12.04.2021 for festival. On 17.04.2021, the Informant

and her children went to bed. The Brother and Sister-in-law of the Informant went to sleep in another bed room. In the midnight, the unknown persons entered house and committed robbery. Valuable articles were robbed. The incident was reported to the concerned police station and crime came to be registered for the offence punishable under Sections 395 and 397 of the Indian Penal Code (for short, 'I.P.C.'). During the course of the investigation, the Applicant came to be arrested, and upon completion of the investigation, Charge-sheet came to be filed, and after the trial, the impugned Judgment and order came to be passed.

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

4. The crime was registered against the unknown persons. The learned Trial Court observed that, as per the evidence of the Informant, the robbers had covered their faces and she could not see their faces. The Informant could not provide any description of the robbers. The learned Trial Court observed that, the Prosecution's contention regarding identification during Test Identification Parade was unacceptable and was liable to be discarded. The learned Trial Court further observed that, since the spot of incident was known to the police, there was no new fact

discovered at the instance of the Appellant. The conviction of the Applicant is primarily based on the seizure of articles recovered from his possession and the presumption drawn under Section 114 of the Indian Evidence Act, 1872. The Applicant has arguable case on merits. The Applicant is convicted for the period of Seven (7) years Rigorous Imprisonment for the offence punishable under Sections 395 and 397 of the I.P.C. The Applicant is behind the bars for a period of more than four (4) years. The Appeal is of 2026 and not likely to be heard finally in the near future. Hence, I proceed to pass the following order.

ORDER

(i) The Application is allowed.

(ii) The substantive Sentence imposed by the learned Additional Sessions Judge, Solapur in Sessions Case No.348 of 2022 by the Judgment and order dated 29.11.2025 on the Applicant, by name, Sanideol Suresh Kale for the offence punishable under Sections 395 and 397 of the I.P.C., is suspended during pendency of the Appeal.

(iii) Applicant, by name, Sanideol Suresh Kale 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) Bail before the Trial Court.

(v) The Applicant shall co-operate this Court for early disposal of the Appeal.

(vi) Application stands disposed off accordingly.

[NEERAJ P. DHOTE, J.]