

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

INTERIM APPLICATION NO. 4601 OF 2024
IN
CRIMINAL APPEAL NO. 1254 OF 2024

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Deepak Waman Ambre

... Applicant

Versus

The State of Maharashtra

... Respondent

.....
Mr. Rupesh Bobade for the Applicant.
Ms. T.J. Kapre, APP for the Respondent - State.
.....

**CORAM : MADHAV J. JAMDAR &
PRAVIN S. PATIL, JJ.**

DATE : 28th APRIL, 2026.

P. C. :

1. Heard Mr. Bobade, learned counsel appearing for the applicant and
Ms. Kapre, learned APP for the respondent-State.

2. By the present Interim Application, the applicant is seeking
suspension of sentence and release the applicant on bail on such terms
and conditions as deem fit and proper by this Court.

3. The present Interim Application has been filed in Criminal Appeal
No. 1254 of 2024. In the said Appeal, challenge is to the legality and

validity of the judgment and order dated 16th March 2023 passed by the learned Additional Sessions Judge, Chiplun in Session Case No. 18 of 2020 (Old Session Case No. 29 of 2015).

4. It is the submission of Mr. Bobade, learned counsel appearing for the applicant that the applicant has been arrested on 2nd June 2015 and he has completed actual imprisonment of 10 years and 10 months and with remission, the applicant has undergone punishment for 13 years and 4 months. He submits that except the appellant, all other accused have been released on bail. He submits that the case is based on the circumstantial evidence. He points out circumstances set out by the learned trial Court in paragraph no.192 for holding that circumstances are incriminating and form a complete chain and are consistent with no other hypothesis, except the guilt of the accused persons. He submits that the main reliance is on recovery at the instance of the applicant. He submits that the said recovery is from the open field and cannot be relied. He, therefore, submits that it is necessary that the relief sought in the Interim Application be granted.

5. He relied on the judgment of the Supreme Court in the case of *Saudan Singh Vs. State of Uttar Pradesh* passed in Criminal Appeal No. 308 of 2024 on 25th February 2022 and submitted that the applicant be

released on bail in view of the observations made in the said order.

6. On the other hand, learned APP opposes the application. She submitted that the evidence on record clearly demonstrates that the applicant is involved in the crime and, therefore, Interim Application be dismissed.

7. Perusal of the record shows that one of the circumstance which has been taken into consideration by the learned Trial Court is disclosure statement of accused Nos.1 to 3 and recovery in furtherance of said disclosure statement.

8. Mr. Bobade, learned counsel appearing for the applicant has pointed out deposition of PW-6 (Page No.197) and submits that recovery is at the open place.

9. Perusal of the evidence of PW-6 shows that there is substance in the said submission. In any case, admittedly the applicant has almost completed about 10 years of actual imprisonment. In view of the law laid down in the case of *Saudan Singh* (supra), a case is made out for grant of suspension of sentence and grant of bail.

10. In light of the above, we pass the following order:-

ORDER

[a] The sentence imposed on applicant by learned Additional Sessions Judge, Chiplun vide judgment and order dated 16th March 2023 passed in Session Case No. 18 of 2020 is suspended till the final disposal of Criminal Appeal No. 1254 of 2024.

[b] The applicant-Deepak Waman Ambre be released on furnishing PR bond in the sum of Rs. 25,000/- with one or more solvent sureties of like amount in connection with Session Case No. 18 of 2020.

[c] Bail be submitted before the trial Court.

[d] Till the Criminal Appeal is disposed of, the applicant shall report to the Trial Court on the 1st Monday of every quarter commencing from 4th May 2026.

[e] The applicant shall attend this Court when the appeal is listed for final hearing.

11. The Interim Application is disposed of.

[PRAVIN S. PATIL, J.]

[MADHAV J. JAMDAR, J.]