

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

INTERIM APPLICATION NO. 2297 OF 2025

IN

CRIMINAL APPEAL NO. 784 OF 2025

Mangesh Babu Rewale.

...Applicant.

Versus

The State of Maharashtra and Another.

...Respondents.

*Ms. Anima Mishra, Anuj Singh, Onkar Bajaj, Priyanka P. and Vinod Patil i/b Dhaara
Legal for the Applicant.*

Mrs. S. N. Deshmukh, APP for the Respondent-State.

Coram : R. G. Avachat &
Ajit B. Kadethankar, JJ.

Date : January 22, 2026.

P. C. :

1. This is an application for suspension of sentence of imprisonment.

This Court vide order dated 25th November 2025 had observed thus :

"1. This is an application for suspension of sentence for enlarging the applicant on bail. The applicant is in custody since 16th March 2013 i.e. more than 12 years. In ordinary course, we would be inclined to suspend the sentence and enlarge the applicant on bail.

2. However, learned APP brought to our notice that the applicant is also facing another trial for the offence punishable under Section 376 of the IPC in Special Case No. 18 of 2011. "

2. The Applicant has been convicted for committing murder of a 15 year old 9th standard girl. It was the case of prosecution that victim

along with her 3 friends was on her way to school early in the morning of fateful day. The Applicant, an unknown person, approached her from front side. He suddenly intercepted the victim and dragged her to nearby paddy field. Friends of the victim, on hearing the shouts of victim, looked behind. They realised their friend to have been assaulted with a sharp weapon. Friends informed the said incident to the villagers. Ultimately, police report was filed. The Applicant was arrested 3 days after the incident. Friends who were in the company of victim at the time of incident, identified the Applicant in test identification parade and before the Court as well. Relying on the said evidence, the trial Court convicted the Applicant.

3. Learned Counsel for the Applicant submitted that the Applicant is behind the bars for about 13 years. There is no likelihood of the appeal to be taken up for final hearing in near future. She, therefore, urged for allowing the application.

4. Learned APP, on the other hand, submitted that it is a serious offence. The Applicant is accused in some other crime, punishable under Section 376 of Indian Penal Code, 1860. She therefore urged for the rejection of application.

5. We have perused the relevant evidence and the judgment herein.

6. There was no acquaintance between the Applicant and victim. Both are also not from the same village. It is not known as to why the

Applicant has committed murder of a 15 year old girl. True, the friends of victim claim to have seen the Applicant at the relevant time. They have even identified him in the test identification parade and before the Court as well. Beside this, there is no other evidence against the Applicant. At this stage, less said is better about the evidence of friends of the victim who claim to have been in the company of her at the relevant time.

7. The Applicant is behind the bars for about 13 years. The appeal is of 2025. There is no likelihood of the appeal to be taken up for final hearing in near future.

8. So far as regards the Applicant to be an accused in other Sessions case for offence punishable under Section 376 of IPC is concerned, he is on bail in the said crime. The alleged incident in the said case is of May 2008. FIR in the said case was lodged against an unknown person. It is an offence of rape of a mentally challenged girl.

We should not be construed to have made any observation as to the merits of the said case.

9. In view of the fact that the Applicant is on bail in the said crime and for little over 13 years the Applicant is behind the bars in the present case and moreover there is no likelihood of the appeal to be taken up for final hearing, we allow the present application in following terms:

- [a] The sentence imposed on Applicant by the learned Additional Sessions Judge, Khed vide judgment and order dated 10th March 2016 in Sessions Case No. 31 of 2013 shall remain suspended till the final disposal of Criminal Appeal No. 784 of 2025.
- [b] The Applicant be released on his furnishing bail in the sum of Rs.15,000/- with one or more solvent sureties of like amount in connection with Sessions Case No. 31 of 2013.
- [c] Bail before the trial Court.
- [d] The Applicant shall mark his presence at Dapoli Police Station once a month, on the first Monday of each month, until hearing of this appeal.

10. Application stands disposed of.

[Ajit B. Kadethankar, J.]

[R. G. Avachat, J.]