

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

CRI-INTERIM APPLICATION NO. 2679 OF 2025
IN
CR. APPEAL NO. 1180 OF 2022

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Ravindra Pandurang Mane

... Applicant

Versus

State Of Maharashtra

... Respondent

.....
Mr. Satyavrat Joshi (through VC) a/w Mr. Sairaj Suryavanshi, Mr. Yash
Fadtare, Mr. Vaibhav Halake for the Applicant.
Mr. Shrikant Yadav, APP for the Respondent - State.
.....

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

DATE : 9th MARCH, 2026.

P. C. :

1. Heard Mr. Joshi, learned Counsel appearing for the Applicant and
Mr. Yadav, learned APP for the State.

2. By this Interim Application, the Applicant seeks suspension of
sentence and enlargement on bail.

3. Mr. Joshi, learned Counsel for the Applicant, submits that the

prosecution case is based on circumstantial evidence and that the chain of circumstances has not been proved. In any case, he submits that the applicant is behind bars for about 7 years and 2 months and the Criminal Appeal is not yet heard finally. He submits that there are no criminal antecedents.

4. On the other hand, Mr. Yadav, learned APP strongly opposes the application. He submits that circumstantial evidence clearly shows involvement of the Applicant and, therefore, the criminal Interim Application be dismissed.

5. Before considering rival contentions, it is necessary to set out the prosecution case, which is set out in paragraph Nos. 2 to 5 of the judgment and order dated 5th May 2022 passed by the learned Additional Sessions Judge, Kolhapur in Sessions Case No. 148 of 2019, which read as under :-

“2. The facts which can be summarized from recitals of F.I.R. (Exh.56) and other police papers filed along with chargesheet are as follows -

Ravindra Pandurang Mane (accused) resides at village Palsambe with his wife Geeta and children jointly. Pandurang Mane, his father was Mill worker at Kalyan, Mumbai. Pramila Pandurang Mane real mother of accused died on 25.10.1997. Thereafter Pandurang Mane performed his second marriage

with Pragati Mane (deceased) in the year 2000. Pragati and Pandurang were staying together at Kalyan, Mumbai. Pandurang had sold the immovable properties at Kalyan and Nalasopara and came to reside at his native place Palsambe, Tal. Gaganbavda in the year 2010. Old house at Palsambe was demolished and new house was constructed. Thereafter Pandurang and Pragati Mane were residing at village Palsambe. During that period accused was serving in a company at Kalyan. Pandurang Mane died on 13.8.2013. During life time of his father accused was visiting his native village Palsambe. In the year 2015 there was retrenchment of the employees by the company, accordingly services of accused were retrenched in the year 2015. Thereafter he was serving in another company till April 2018 at Kalyan, Mumbai. In the month of April, 2018 he along with his wife and children permanently came to village Palsambe, Tal. Gaganbavda.

3. Accused was residing jointly with his wife, children and deceased Pragati Mane. During that period Pragati Mane was asking accused time and again to leave the house. She was threatening the wife and children of accused, therefore, he was in frightened state of mind. In the month of October, 2018 accused left his children at village Vetawade at the maternal home of his wife and went to Mumbai for his livelihood. When he returned back to his native village Palsambe he noticed that all the household articles from his house were missing and his step mother Pragati Mane was not present at his house. On enquiry with his Aunt Prabhavati Kondiram Mane and other relatives he came to know that Pragati Mane took away all household articles from his house through Tempo vehicle to Mumbai with the help of her relatives.

4. It is further alleged that on 21.1.2019 accused was rendering his duty as a worker in hotel namely Shri Hotel at village Khupire, Tal. Karveer. At about 10.30 a.m. Geeta, wife of accused made phone call to accused and informed on his mobile phone that Pragati Mane came to his house, therefore, he left village Khupire and reached at his house at village Palsambe at about 1.30 p.m. He saw Pragati Mane is lying on bed. Accused asked his step mother Pragati Mane why she had took away household articles from the house, on which Pragati

asked accused that he, his wife and children shall leave her house and he has no right in the said residential house. Due to which accused became annoyed and inflicted blow of scythe on her throat, neck, right shoulder and left the house. Accused went by walk till Aslaj Phata. He boarded the bus at Aslaj Phata and went to police Station, Gaganbavda. Thereat he gave confessional report before the police as per Exh. 56.

5. The P.S.O. of police station Gaganbavda recorded the confessional report of the accused as per Exh. 56 and registered Crime No. 3 of 2019 under Section 302 of the Indian Penal Code against accused. Necessary investigation was conducted, statements of witnesses were recorded, post mortem examination of the dead body of Pragati Mane was conducted. The accused was arrested as on 22.1.2019 at about 1.22 a.m. The articles were seized. The samples were collected. The articles and collected samples were sent to Regional Forensic Science Laboratory, Kolhapur for the preparation of FSL Report. After completion of investigation a chargesheet was filed against the accused.”

6. The circumstances on which the prosecution has placed reliance are set out in paragraph No.15, which reads as under :-

“15. The circumstances on which the prosecution is placing reliance are as follows -

- 1. Homicidal death of Pragati Mane the step mother of accused.*
- 2. The extra judicial confession made by accused before PW. 2 Dattatray Bhikaji Patil.*
- 3. Subsequent conduct of accused.*
- 4. Confessional report Exh.56 before police.*
- 5. Recovery of weapon at the instance of accused.*
- 6. Recovery of blood stained clothes of accused and his*

failure to explain.”

7. The learned trial Court has disbelieved Circumstance No.4 in view of the law laid down by the Hon’ble Supreme Court in case of **Aghnoo Nagesia Vs. State of Bihar**¹. The relevant paragraph of the judgment of the Sessions Court is paragraph No.48, which reads as under :-

“48. The learned counsel Mr. S. R. Shinde for the accused placed reliance on decision in case of Aghnoo Nagesiya Vs. State of Bihar AIR 1966 Supreme Court 119 wherein Hon'ble Apex Court held that -

"If the first information report is given by the accused to a police officer and amounts to a confessional statement, proof of the confession is prohibited by Section 25. The confession includes not only the admission of the offence but all other admissions of incriminating facts related to the offence contained in the confessional statement. No part of the confessional statement is receivable in evidence except to the extent that the ban of Section 25 is lifted by section 27."

8. Thus, there is substance in the contentions raised by Mr. Joshi. In any case, the allegations against the Applicant is that he has killed his step mother. There are no other antecedents. The case is based on the circumstantial evidence. As noted hereinabove, all the circumstances have not been established. The Applicant is behind bars for 7 years and 2 months. The applicant has completed 7 years and 2 months of actual

¹ AIR 1966 SC 119

imprisonment and has completed more than 9 years of imprisonment, including remission. Considering the pendency of old Appeals in this Court, Appeal filed by the Applicant is not likely to come up for final hearing in near future.

9. Thus, in the facts and circumstances, the case is made out for suspension of sentence and release of the Applicant on bail during the pendency of Appeal. Hence, we pass following order :

ORDER

[a] The sentence imposed on Applicant by learned Additional Sessions Judge, Kolhapur vide judgment and order dated 5th May 2022 passed in Sessions Case No. 148 of 2019 is suspended till the final disposal of Criminal Appeal No. 1180 of 2022.

[b] The Applicant be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one or more solvent sureties of like amount in connection with Sessions Case No. 148 of 2019.

[c] Till the disposal of Criminal Appeal, the Applicant shall report to the Trial Court once in a month, on first Monday of each month.

[d] The Applicant shall attend this Court when the Appeal is listed for final hearing.

10. Interim application stands disposed of.

[PRAVIN S. PATIL, J.]

[MADHAV J. JAMDAR, J.]