

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

CRIMINAL INTERIM APPLICATION NO.3493/2025
IN
CRIMINAL APPEAL NO.905/2025

Shilpa Pravin Khapale

... Applicant

Versus

The State of Maharashtra

... Respondent

.....
Ms Rehana Begam, i/b Mr. Imtiyaz Pathan, Advocate for the Applicant
Mr. A.A. Naik, APP for the Respondent - State.
.....

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

DATE : 29.04.2026.

P. C. :

1. Heard Ms. Rehana Begum, learned counsel instructed by Mr. Imtiyaz Pathan, learned counsel appearing for the applicant and Mr. Naik, learned APP for the respondent/State.

2. By the Criminal Appeal No.905/2025, challenge is to the legality and validity of the judgment and order dated 25.08.2025 passed by learned Additional Sessions Judge, Chiplun, Tahsil Chiplun, District Ratnagari, in Sessions Case No.12/2021. By the said judgment, the present appellant i.e. accused has been convicted under Section 302 of the Indian Penal Code, 1860, and sentenced to suffer imprisonment for life and to pay a fine of Rs.25,000/-, in default of payment of fine to undergone rigorous imprisonment for two years.

3. The said Criminal Appeal has been admitted by this Court by order dated 13.10.2025. As per the prosecution case, on 05.03.2021, the present appellant committed murder of her one month child by putting the child in a plastic bucket filled up with the water.

4. It is submitted by learned counsel appearing for the applicant that the entire case is of circumstantial evidence. There is no motive to commit the crime. The appellant is in jail since 12.03.2021. The applicant is having one daughter who is presently nine years old.

5. It is submitted that the case is of circumstantial evidence and P.W. 7 Anita Baliram Khapale and P.W. 8 Pravin Baliram Khapale i.e. mother-in-law and husband of the applicant have turned hostile. It is the submission of learned counsel appearing for the applicant that none of the circumstances against the applicant are set out by learned Sessions Judge and it is not discussed that by the cogent evidence, the said circumstances are established and it is also not considered that there is another possibility than the commission of the crime by the appellant.

6. Learned Counsel appearing for the applicant relied on the judgment in the case of *Sharad Badrinath Sarda Vs. State of Maharashtra reported in (1984) 4 SCC 116*.

7. On the other hand, Mr. A.A. Naik, learned APP supported the impugned judgment.

8. A perusal of the judgment of the Sessions Court shows that the Sessions Court has not discussed the circumstances against the applicant

and the supporting evidence. The circumstances are set out in paragraph No.46 in the submission of the learned APP. The relevant part of paragraph No.46 reads as under:

“46. While arguing the Ld. APP put emphasis on the circumstances that the finger of committing murder of deceased Shourya was going towards accused because (i) at the time of incident accused was present in the house, (ii) at the time of incident deceased was in the custody of accused, (iii) when the husband of accused made video call to accused at about 01.00 p.m., he saw that Shourya was in the possession of accused and she was alive and (iv) the accused made phone call to independent witness PW4 Rutuja Pawar and asked her “whether her daughter Shourya had came to her house.”

9. This is the case where husband and mother-in-law of the applicant have turned hostile. The material on record shows that applicant is having another child of nine years. The applicant is in jail since 12.03.2021. It will take considerable time to decide the Criminal Appeal. The case is made out for grant of relief of suspension of sentence and release on bail. Accordingly, we pass the following order:

ORDER

[a] The sentence imposed on Applicant by learned Additional Sessions Judge, Chiplun, District Ratnagari, vide judgment and order dated 25.08.2025 passed in Sessions Case No. 12/2021 is suspended till the final disposal of Criminal Appeal No.905/2025.

[b] The Applicant 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 Sessions Case No. 12/2021.

[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 May, 2026.

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

10. Application stands disposed of in above terms.

Digitally
signed by
RANJANA
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SAHARE
Date:
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[PRAVIN S. PATIL, J.]

[MADHAV J. JAMDAR, J.]

R.S. Sahare