

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

INTERIM APPLICATION NO. 3640 OF 2025

IN

CRIMINAL APPEAL NO. 898 OF 2025

Mahadev Bajirao Mundhe.

...Applicant.

Versus

The State of Maharashtra.

...Respondent.

Mr. Subhash Jadhawar for the Applicant.

Mr. A. A. Naik, APP for the Respondent-State.

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

Date : January 14, 2026.

P. C. :

1. Heard.
2. This is an application for suspension of substantive sentence of imprisonment for life, imposed upon Applicant by the learned Additional Sessions Judge, Barshi in Sessions Case No.88 of 2022 vide its judgment and order dated 16th July 2025 for offence punishable under Section 302 of Indian Penal Code, 1860.
3. The Applicant is convicted for committing murder of his cousin. The FIR was lodged by the widow of deceased. She is not an eye-witness to the incident. She claims to have been informed of the incident by her nephew – Shrikant. According to her, Shrikant narrated

her to have seen the Applicant and his son Ganesh and one Bajirao running away from the crime scene towards their residence, meaning thereby that Shrikant is not an eyewitness to the incident.

4. An investigation report under Section 169 of CrPC was filed so far as regards Ganesh and Bajirao are concerned.

5. Shirkant in his evidence testified to have had only seen the applicant running towards his residence. Shrikant did not in so many words state to have seen the Applicant stoned the deceased.

6. The prosecution relied on the eye-witness account of PW-3 Sunil. His presence at the crime scene is not made out either in the FIR or evidence of Shrikant. The incident took place on 27th January 2020 by little past 7.15 p.m.. Shrikant was the panch witness to the inquest drawn on 28th January 2020 while his police statement under Section 161 of CrPC has been recorded on 29th January 2020. Had he really witnessed the incident, he would have informed the police or at least shared the same with the police while he acted as panch witness to the inquest.

7. What remains is the extra-judicial confession said to have been made by the Applicant to PW-6 Apparao. According to Apparao, the Applicant gave him a missed call. He, therefore, called him back. The Applicant informed him to have committed murder of Sarjerao. True, there is somewhat corroboration in the nature of CDR indicating a call

between PW-6 and the Applicant at the relevant time. Needless to mention that extra-judicial confession is a very weak piece of evidence. There is no other material connecting the Applicant with the crime in question.

8. The Applicant is behind the bars for last little over 6 years. It will take some time for appeal to come up for hearing.

9. In the aforesaid factual background, we are inclined to allow the application. Hence, we pass following order :

:- O R D E R :-

[a] The substantive sentence imposed on Applicant by the learned Additional Sessions Judge, Barshi vide its judgment and order dated 16th July 2025 in Sessions Case No.88 of 2022 shall remain suspended till the final disposal of Criminal Appeal No. 898 of 2025.

[b] The Applicant be released on furnishing bail in the sum of Rs.15,000/- with one or more solvent sureties of like amount.

[c] Bail before the trial Court.

[d] The Applicant shall not enter the village Ukkadgaon, Taluka Barshi, District Solapur for the next two years.

10. The application stands disposed of.

[Ajit B. Kadethankar, J.]

[R. G. Avachat, J.]