

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3698 OF 2025
IN
CRIMINAL APPEAL NO.907 OF 2018

Balaji Appa Koli] Applicant
versus
The State of Maharashtra] Respondent

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Ms. Gayatri Kulkarni a/w Ms. Shivani A. Veer i/b Ms. Vrushali L. Maindad, for Applicant.

Mr. Anand S. Shalgaonkar, A.P.P, for Respondent – State.

Mr. Jare, P.S.I, Akluj Police Station present.

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CORAM : R.G. AVACHAT AND
AJIT B. KADETHANKAR, JJ.

DATE : 20th JANUARY, 2026.

ORAL ORDER: [PER R.G. AVACHAT, J.]:

1. Heard.

2. This is an application for suspension of substantive sentence of rigorous imprisonment for life, imposed upon the applicant by the learned Additional Sessions Judge, Malshiras in Sessions Case No.2 of 2016 for the offences punishable under sections 302 r/w 149, 143, 147, 120 B and 506 r/w 149 of the Indian Penal Code.

3. The applicant and four others have been convicted for committing murder of one Ranjit Deokar on the ground of previous enmity. It appears that all the convicts wielded sharp edged weapons like koyta, sword etc. The earlier application of the applicant had been rejected way back in October, 2023.

4. Learned Counsel for the applicant would submit that the applicant seeks relief mainly on the ground that he has been behind bars for little over ten years. She also relied on the order of this Court granting suspension of execution of substantive sentence of one Atul @ Pintu Nandkumar Mohite.

5. Learned A.P.P would, on the other hand, submit that it is a brutal murder. The applicant and co-convicts assaulted the deceased with sharp weapons. Number of injuries were on the person of the deceased. Although there is a dispute between two groups in the village, there is nothing on record to indicate what triggered the incident. She took us through the evidence of certain witnesses to indicate that the applicant and others had arrived at the crime scene on the motorbike. Evidence of P.W. 6 – Vikram Lalasaheb Kamble was read out to indicate that the applicant and co-convicts were seen to have been assaulting the deceased

with sharp weapons. The applicant wielded Koyta. According to him, it is, therefore, not a fit case to grant the relief, more so, when his earlier application was rejected on merits.

6. We have considered the submissions advanced. It is true that the deceased was assaulted with sharp weapons. Number of injuries were noticed on the person of the deceased. The applicant and co-convicts wielded sharp weapons like sword, koyta etc. This Court granted relief to co-convict Atul @ Pintu Nandkumar Mohite, who was alleged to have wielded a sword. There was common evidence of P.W.6 – Vikram Lalasaheb Kamble, who claimed to have seen the present applicant and one Atul @ Pintu Nandkumar Mohite, who had been granted relief, who assaulted the deceased. According to the learned A.P.P, no sword was recovered, nor blood stains were noticed on the sword and, therefore, relief to the co-convict was granted.

7. The fact remains that one of the co-convicts, who had said to have played an equal role in committing the very crime had been granted the relief and this applicant is behind the bars for little over ten years. We are, therefore, inclined to allow the application. The application is, therefore, allowed in terms of the following order;

: ORDER :

- (a) The substantive sentence imposed on the applicant by the learned Additional Sessions Judge, Malshiras in Sessions Case No.2 of 2016 vide judgment and order dated 26th April, 2018 shall remain suspended till the final disposal of Criminal Appeal No.907 of 2018.
- (b) The applicant be released on furnishing a P.R bond in the sum of Rs.15,000/- (Rs. Fifteen Thousand only) with one or more solvent sureties in the like amount.
- (c) Bail before the Trial Court.
- (d) The applicant shall not enter Malshiras Taluka, District Solapur for two years and shall mark his presence at Akluj Police Station once in a month i.e on the first day of each month by 12 noon.
8. The application stands disposed of.

[AJIT B. KADETHANKAR, J.]

[R.G. AVACHAT J.]