

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

CRIMINAL APPELLATE JURISDICTION

**INTERIM APPLICATION NO. 3713 OF 2025
IN
CRIMINAL APPEAL NO. 991 OF 2018**

Dattaram Gopal Chavan	...Applicant
Versus	
The State Of Maharashtra	...Respondent

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Mr. Kushal Mor, (Appointed Through Legal Aid) a/w. Kewal Khandagale a/w. Shantanu Gurav, Advocate for applicant.

Mr. Anand Shalgaonkar, APP for the State.

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

DATE : 19th JANUARY, 2026.

P.C:

1. Heard.
2. This an application for suspension of substantive sentence of imprisonment for life, imposed upon applicant by the learned Additional Sessions Judge, Ratnagiri in Sessions Case No.34 of 2015 vide its judgment and order dated 09th May 2017 for offence punishable under Section 302 of Indian Penal Code, 1860.
3. According to the learned Advocate for the applicant, the case

is based on circumstantial evidence. The applicant was arrested about 24 hours after the incident and was found at his own house. It is alleged that the clothes found on the applicant had blood stains. However, the Chemical Analyser's report does not support the prosecution case. It is further submitted that the applicant has been behind bars for close to 10 years. Considering that the appeal may take some time to be taken up for hearing, the learned Advocate for the applicant urges for grant of the application.

4. The learned APP submits that the incident occurred on account of a property dispute between two families and that the applicant was arrested within a few hours of the incident. According to him, the State is ready to argue the appeal on merits.

5. We have considered the submissions advanced by both sides. Admittedly, the case is based on circumstantial evidence. The Chemical Analyser's report regarding blood stains on the clothes of the applicant does not support the prosecution case. Since the applicant has been behind bars for the last little over 9 years and 8 months, and there is every possibility that the appeal may not be taken up for hearing in the near future, without expressing any opinion on the merits of the case, we are inclined to allow the

application. Hence, we pass the following order :

ORDER

(i) The substantive sentence imposed on Applicant by the learned Additional Sessions Judge, Ratnagiri by his judgment and order dated 9th May 2017 in Sessions Case No.34 of 2015 shall remain suspended till the final disposal of Criminal No.991 of 2018.

(ii) The applicant be released on furnishing bail in the sum of Rs.15,000/- with one or more solvent sureties of like amount.

(iii) Bail before the trial Court.

7. The application stands disposed of.

[AJIT B. KADETHANKAR, J.]

[R.G. AVACHAT J.]