

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

CRI. INTERIM APPLICATION NO. 104 OF 2026
IN
CRIMINAL APPEAL NO. 1026 OF 2018

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Sameer @ Ladu Vinayak Pawar

... Applicant

Versus

The State of Maharashtra

... Respondent

.....
Ms. Ankita Nishad (through VC) 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. Ms. Ankita Nishad, learned counsel states that she has been appointed to represent the Applicant on 11th November 2025. Accordingly, Mr. Deshmukh, learned counsel appointed earlier, is discharged.

2. Heard Ms. Nishad, learned counsel appearing for the Applicant and Mr. Yadav, learned APP for the State.

3. Ms. Nishad, learned counsel appearing for the Applicant points out order dated 13th February 2019 passed by this Court in Criminal Application No. 1276 of 2018, by which the Criminal Application seeking suspension of sentence and release of the Applicant on bail, has been rejected. However, she submits that when the said Application was filed, the Applicant had undergone sentence of 3 years and 5 months. She submits that the said order is dated 13th February 2019 and till date i.e. even after a period of about 7 years, the Appeal could not be taken up for final hearing. She further submits that Applicant is behind bars for about more than 10 years and 5 months. She, therefore, submits that the Applicant be released on bail.

4. On the other hand, learned APP strongly opposes the Application. Learned APP submits that by earlier order dated 13th February 2019, the Criminal Application has been rejected on merits.

5. Before considering the rival submissions, it is necessary to set out the prosecution case. The same has been set out in paragraph No.2 of the order dated 21st November 2017 passed by the learned Additional Sessions Judge, Khed, in Sessions Case No.01 of 2016, which reads as under:-

“2. Brief facts of the prosecution story is stated at the beginning which are as under:

That the informant Uttam Ramchandra Pawar resides at Talavali, Boudhwadi, Tal. Guhagar, Dist. Ratnagiri alongwith his family members. Deceased Mukesh was his cousin brother. On 02-10-2015 at about 8.30 p.m. police patil Vinod Bhikaji Pawar did a mobile call to him and informed that blows have been inflicted on the neck of Mukesh Pawar and, therefore, Mukesh is lying in the pool of blood at Bagkar stop in the court-yard of shop of Santosh Karekar and, therefore, he has to come there immediately. Accordingly, the informant went there by motor cycle of one Amol Jadyal. At that time there was raining and electricity light was off. Police patil Vinod Pawar put battery light on Mukesh and shown the informant that Mukesh was lying in the pool of blood in the court-yard of shop of Santosh Karekar. The informant noticed that blow of some weapon was inflicted on the left side of neck of Mukesh and grievous injury was caused there. He further noticed that Mukesh is dead. He asked Vinod Pawar as to who assaulted Mukesh on which police patil told him that due to previous quarrel Sameer @ Ladu Vinayak Pawar assaulted Mukesh. Therefore, the informant instructed the police patil Vinod Pawar to take further action on which police patil informed about the same to police. Thereafter, on the same day, the informant Uttam lodged FIR against the accused.”

6. Although, this Court in order dated 13th February 2019 has recorded that *prima facie* there is evidence of complicity of the Applicant, however, it is required to be noted that the incident has taken place due to previous quarrel between the Applicant and the Accused and there are no other criminal antecedents.

7. The Hon’ble Supreme Court in case of **Shivani Tyagi Vs. State of**

Uttar Pradesh¹ has held that while considering the Application under Section 389 of the Cr.P.C. various factors like the nature of offence held to have been committed, the manner of its commission, the gravity of offence, and also the desirability of releasing the convict on bail are to be considered objectively and such consideration should reflect in the order passed under Section 389, of the Code of Criminal Procedure, 1973.

8. Thus, in the facts and circumstances, as the Applicant is behind bars for more than 10 years and 5 months and the Applicant has no other criminal antecedents. Considering the pendency of old Appeals in this Court, it is not possible to take up the Criminal Appeal for final hearing due to pendency of very old matters.

9. Accordingly, 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, Khed vide judgment and order dated 21st November 2017 passed in Sessions Case No.01 of 2016 is suspended till the final disposal of

1 (2024) SCC OnLine SC 842

Criminal Appeal No. 1026 of 2018.

[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. 01 of 2016.

[c] Till the disposal of Criminal Appeal, the Applicant shall report to the Trial Court once in 15 days i.e. on 1st and 3rd 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.]