

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

CRIMINAL APPELLATE JURISDICTION

CRI-INTERIM APPLICATION NO. 200 OF 2026
IN
CRIMINAL APPEAL NO. 456 OF 2017

Amol Alias Amrusha Laxman Shinde

...Applicant

Versus

The State Of Maharashtra

...Respondent

.....

Adv. Anush Shetty (through V.C.) a/w Adv. Rahul P. Sagar i/b Dr. Yug Mohit Choudhary, for Applicant.

Ms. Ashvini A. Takalkar, learned APP for the Respondent-State.

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

DATE : 17th APRIL, 2026.

P.C. :

1. Heard Mr. Anush Shetty, learned counsel appearing for the applicant and Ms. A. A. Takalkar, learned APP for the respondent-State.
2. By this interim application, the applicant, who is accused No.3 is seeking relief of suspension of sentence imposed upon the applicant under Section 302 read with Section 34 of the Indian Penal Code by learned Sessions Judge, Satara vide Judgment and Order dated 27th July 2016 passed in Sessions Case No.68 of 2015 and seeking relief of release on bail.

3. It is the submission of Mr. Shetty, learned counsel appearing for the applicant, that the applicant has completed more than 9 years of actual imprisonment. He states that only role attributed to the present applicant is that he assaulted the deceased with kick blows. He has pointed out the evidence of PW1 – Tatyia Tayappa Chougule and PW4 – Vyankoji Motiram Pawar. He submitted that as the hearing of appeal will take considerable time, therefore, the applicant be released on bail.

4. On the other hand, Ms. Ashvini A. Takalkar, learned APP for the respondent-State points out apart from the evidence of PW1 and PW4, the evidence of PW11 – Suraj Nana Hake, and states that the role attributed to all the accused is the same and therefore, the interim application be rejected.

5. Before considering the rival submissions, it is necessary to set out the observations of the Hon'ble Supreme Court in the case of ***Shivani Tyagi Versus State of U. P. and Another***¹ In the said case, the Hon'ble Supreme Court has held that in an appeal against conviction involving serious offence like Murder punishable under Section 302 of IPC, the prayer for suspension of sentence and grant of bail should be considered with reference to the relevant factors like nature of the offence held to have committed, the manner of their commission, the gravity of the offence, and also the desirability of releasing the convict on bail.

1 2024 SCC OnLine SC 842

6. In this case, perusal of the evidence of PW1 and PW4, who are eye-witnesses, show that the role attributed to the present applicant is that he assaulted the deceased with kick blows. As far as other co-accused i.e. accused Nos.1 and 2 are concerned, they have assaulted the deceased with knife.
7. The applicant has completed about 10 years and 2 months of imprisonment. The applicant has also completed 15 years and 9 months of imprisonment including remission. The applicant's conduct in jail is good and therefore, the applicant has been shifted to open Court.
8. It is not possible to take up the Criminal Appeal for final hearing in short time.
9. In view of the above facts and circumstances, the case is made out for grant of suspension of sentence and grant of bail.
10. In the light of above, we pass the following order :

::ORDER::

- [a] The sentence imposed on Applicant by learned Additional Sessions Judge, Satara vide judgment and order dated 27th July 2016 passed in Sessions Case No.68 of 2015 is suspended till the final disposal of Criminal Appeal No.456 of 2017.
- [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. 68 of 2015.

- [c] Bail be submitted before the trial Court.
 - [c] 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.
 - [d] The Applicant shall attend this Court when appeal is listed for final hearing.
11. Interim application is disposed of in above terms.

[PRAVIN S. PATIL, J.]

[MADHAV J. JAMDAR, J.]