

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

**INTERIM APPLICATION NO. 211 OF 2026
IN
CRIMINAL APPEAL NO. 3 OF 2021**

Mahesh Bharat Misal

.. Petitioner

..Versus..

The State of Maharashtra
thr. Pangari Police Station,
Solapur Vide C.R. No.1/2018

.. Respondent

Ms Shivani Veer, counsel a/w Ms Gayatri Kulkarni, h/f Ms Vrushali Maindad,
for Applicant.

Ms Ashivini A Thakalkar, APP for respondent/State.

Mr. M.M. More and Mr S.H. Kumbhar, Liaisoning Officer, Kalamb Police
Station District-Dharashiv.

**CORAM : MADHAV J. JAMDAR AND
PRAVIN S. PATIL, JJ.**

DATE : APRIL 17, 2026.

P.C.

1. Heard Ms Shivani Veer, learned counsel appearing for the applicant, and Ms Ashivini A Thakalkar, learned APP for the respondent/State.

2. By the present interim application, the applicant is seeking relief of release on bail during the pendency of the appeal.

3. Learned counsel appearing for the applicant states that applicant has completed about eight years of actual imprisonment and

therefore, due to long incarceration, the applicant be granted bail. She submits that on merits also, the case is based on circumstantial evidence and motive is not proved. There are injuries on the accused and those are not taken into consideration. There is delay in lodging FIR and there are no other criminal antecedents.

4. On the other hand, Ms. Thakalkar, learned APP points out the order dated 12/04/2022 passed by Division Bench of this Court in Criminal Interim Application No. 18 of 2021 in Criminal Appeal No. 03 of 2021. Learned APP submits that this Court has already rejected the interim application seeking bail on merits and therefore, present application is not maintainable and, in any case, may not be entertained.

5. Perusal of the record shows that the FIR has been lodged on 03/01/2018 and the applicant was arrested on 04/01/2018.

6. The learned Ad-hoc Sessions Judge-1, Barshi, by judgment and order dated 06/11/2020 passed in Sessions Case No. 22 of 2018, convicted the applicant under Section 302 of the Indian Penal Code and he has been sentenced to undergo imprisonment for life and fine of Rs.25,000/-. The applicant has filed Criminal Appeal No. 03/2021 and the said Criminal Appeal was admitted by order dated 06/01/2021 passed by this Court.

7. This Court, by order dated 12/04/2022 passed in Interim

Application No. 18/2021 in Criminal Appeal No. 03/2021, rejected the said application seeking bail pending the hearing and final disposal of Criminal Appeal No. 03/2021.

8. Ms. Shivani Veer, learned counsel appearing for the petitioner, has raised various contentions on merits. However, the said contentions cannot be considered, as Interim Application No.18/2021 filed in Criminal Appeal No. 03/2021 has already been rejected by considering the merits by order dated 12/04/2022.

9. However, Ms. Shivani Veer, learned counsel appearing for the applicant has also raised contention that there is long incarceration and therefore the applicant be released on bail.

10. It is required to be noted that earlier bail application, being Interim Application No. 18/2021, has been rejected by order dated 12/04/2022. More than four years have passed, however, the Criminal Appeal could not be taken up for hearing.

11. Perusal of the record shows that applicant has completed seven years and three months of actual imprisonment and as far as the remission is concerned, he was granted remission of 1449 days. Thus, including the remission, he has completed about 11 years of the imprisonment.

12. It is also required to be noted that the conduct of the

applicant in jail is very good and therefore, he was shifted to Open Jail on 23/03/2022. It is also required to be noted that he was released on five occasions on furlough leave and on all the occasions, he reported back to the jail authorities on time. The applicant also was released on bail during Covid-19 Pandemic, and he has reported to the jail authorities on time. On one occasion, he has been released on parole leave, and on that occasion also, he reported back to the jail authorities within time.

13. It is also required to be noted that it is not possible to take up the Criminal Appeal of the applicant for final hearing within short time. Accordingly, in the facts and circumstances, the case is made for suspension of sentence and releasing the applicant on bail.

14. In the light of the above, we pass the following order:

- a] The sentence imposed on Applicant by learned Ad-hoc Sessions Judge-1, Barshi, vide judgment and order dated 06/11/2020 passed in Sessions Case No. 22/2018 is suspended till the final disposal of Criminal Appeal No. 03/2021, preferred by the applicant.
- b] The applicant be released on bail on furnishing PR bond in the sum of Rs. 25,000/- with one or two solvent sureties in the like amount in connection with Sessions Case No. 22/2018 arising out of the Crime No. 1/2018

registered at Pangari Police Station, District Solapur.

- c] Bail be submitted before the trial Court.
- d] Till the Criminal Appeal is disposed of, the applicant shall report to the trial Court on 1st Monday of every quarter commencing from May 2026.
- e] The applicant shall attend this Court when the appeal is listed for final hearing.

15. Accordingly, the Interim application is disposed of in above terms.

(PRAVIN S. PATIL, J.)

(MADHAV J. JAMDAR, J.)

RKN