

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

CRIMINAL INTERIM APPLICATION NO. 294 OF 2026
IN APEAL/1344/2024

1. SHEKUMBAR DAGADU KOKANE
2. SUJATA DAGADU KOKANE

VERSUS

THE STATE OF MAHARASHTRA

.....

Advocate for Applicants : Mr. Vaibhav Ramchandra Gaikwad a/w
Mr. Ganesh Tikole

APP for Respondent-State : Mr. Anand S. Salgaonkar

.....

CORAM : MEHROZ K. PATHAN, J.

DATE : 11th JUNE, 2026

PER COURT :

1. Heard.
2. Issue notice to Respondents. Learned APP waives service of notice for Respondent /State.
3. The application is filed by the Applicants seeking suspension of sentence and grant of bail, on account of their conviction recorded by the learned Sessions Judge, Solapur, on 29.08.2024 in Sessions Case No. 07/2023.
4. The learned Counsel for the Applicants submits that Applicant No.1, Shekumbar, was convicted by judgment dated 29.08.2024 for the offence punishable under Section 304 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for seven years, whereas Applicant No.2, Sujata, was convicted for the offence punishable under

Section 307 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for a period of four years. Applicant No.1 was initially arrested on 04.09.2022 and later released on bail on 11.05.2023. He was thereafter arrested on 09.06.2024 and remains behind bars. Applicant No.2, Sujata, is the wife of Applicant No.1, Shekumbar, and has also been in custody since the date of conviction. Applicant No.1 has already undergone half of the maximum sentence of seven years awarded under Section 304 of the IPC.

5. The Applicants had earlier approached this Court seeking suspension of sentence, however, the application was dismissed as withdrawn, with liberty reserved to the applicants to again approach this Court after completion of 50% of the sentence. The Applicants have now undergone more than half of the sentence, and therefore seek release on bail. The Applicants are suffering from HIV and require regular medical treatment. They also have substantial grounds in the appeal, and there is every likelihood that the appeal may be allowed and the conviction may be set aside by this Court.

6. On the other hand, the learned APP strongly opposes the application for suspension of sentence on the ground that the applicants are involved in the serious offence of committing the murder of their own father. Although the applicants were initially charged under Section 302 of the IPC, during the trial they were found guilty of the offence under Section 304 and were accordingly sentenced to rigorous imprisonment for seven years. The applicants have so far undergone three and a half years of the sentence. Taking into consideration the evidence collected by the prosecution and the testimony of the witnesses, there is every likelihood that the appeal may be dismissed and the applicants would be

required to undergo the remaining sentence of seven years. Hence this is not a fit case to release the Applicants on bail by suspending the sentence.

7. I have gone through the judgment of the learned Sessions Judge, Solapur, whereby Applicant No.1 was convicted under Section 304 of the IPC and sentenced to rigorous imprisonment for seven years, and Applicant No.2 was convicted under Section 307 of the IPC and sentenced to rigorous imprisonment for four years. The applicants were initially charged under Section 302 of the IPC, but were ultimately convicted under Sections 304 and 307 respectively. The charge pertains to the use of a belt as a weapon to assault the deceased father and causing his death. The Applicants are suffering from HIV and require regular medical treatment. The earlier application filed by the Applicants came to be dismissed as withdrawn vide order dated 13.12.2024 passed by this Court in I.A. No. 4976/2024, wherein liberty was granted to move afresh after completion of 50% of the sentence. The Applicants have already undergone more than 50% of the sentence. The appeal is likely to take some time for final hearing. No fruitful purpose would be served by continuing their incarceration. Hence, I am inclined to exercise powers under Section 430 of the BNSS to suspend the sentence of the present Applicants. Hence, following order is passed.

ORDER

(I) Criminal Interim Application stands allowed.

(II) The substantive sentence imposed on the Applicants in Sessions Case No. 07/2023 by the learned Sessions Judge, Solapur, dated 29.08.2024, stands suspended till the final hearing and disposal of Criminal Appeal No. 1344 of 2024.

(III) The Applicants be released on P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two solvent sureties, in the like amount to the satisfaction of the trial Court.

(IV) Application stands disposed of.

[MEHROZ K. PATHAN]
JUDGE

NATJEB..