

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

INTERIM APPLICATION NO.295 OF 2026
IN
CRIMINAL APPEAL NO.110 OF 2026

Nilam Kashinath Kadam	...Applicant
<i>Versus</i>	
The State of Maharashtra & Ors.	...Respondents

Mr. Dhananjayrao D. Rananaware a/w Shubham S. Dhoble, for the Applicant.
Mr. A. A. Naik, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR &
PRAVIN S. PATIL, JJ.
DATED: 08 MAY 2026

PC:-

1. The learned Additional Sessions Judge, Vaduj has convicted the Applicant, i.e., Accused No.2 for the offence under Section 302 of the *Indian Penal Code, 1860* and sentenced her to suffer life imprisonment.
2. It is the submission of Mr. Rananaware, learned Counsel for the Applicant, that the Applicant was on bail during the trial and was taken into custody on 23rd April 2026.

3. It is the submission that the Applicant was a victim of sexual assault and, as a result thereof, became pregnant before attaining majority and delivered a child.

4. It is submitted that the case is of circumstantial evidence and all the circumstances are not established that the Applicant has been convicted merely on surmises. To substantiate the said contention, Mr. Rananaware, learned Counsel for the Applicant, has drawn the attention of this Court to Paragraph No.15 of the Judgment.

5. On the other hand, Mr. Naik, learned APP supported the impugned Order.

6. Perusal of the record shows that the case is of circumstantial evidence. The Applicant was on bail during the pendency of the trial. The Applicant is a 24-year-old woman. She was a victim of sexual assault when she was minor and, as a result thereof, delivered a child. Presently, the Applicant is married and has two children aged 7 and 9 years.

7. Accordingly, the case is made out for suspension of sentence and grant of bail. Accordingly, the Applicant is entitled to be released on bail during the pendency of the Appeal. Hence, the following Order:

ORDER

- (a) The sentence of imprisonment imposed vide Judgment and Order dated 20th April 2026 passed by the learned Additional Sessions Judge, Vaduj, in Sessions Case No.13 of 2017 is suspended during the pendency of Criminal Appeal No.110 of 2026, preferred by the Applicant and the Applicant shall be released on bail in Sessions Case No.13 of 2017 arising out of CR No.56 of 2015 registered at Aundh Police Station, District - Satara, on her furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- (b) Bail be submitted before the trial Court.
- (c) The Applicant shall attend this Court when the Appeal is listed for final hearing.

8. Accordingly, the Interim Application is disposed of in above terms.

[Pravin S. Patil, J.]

[Madhav J. Jamdar, J.]