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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.579 OF 2025
IN
CRIMINAL APPEAL (ST.) NO.3500 OF 2026

Govind Bhikaji Jadhav	...Applicant
V/s.	
State of Maharashtra	..Respondent

Mr.Shakil Ahmed for the Applicant.

Mr.H.J. Dedhia, APP for the State - Respondent.

CORAM : R.M. JOSHI, J.
DATE : 7TH MARCH, 2026.

P.C. :-

1. Issue notice to the Respondent. Learned APP waives service on behalf of the State.
2. By consent of both sides, the Application is heard.
3. Learned counsel for the Applicant submits that the Applicant is behind bars for a period of six years out of ten years imprisonment imposed against him by the impugned judgment

and order. It is his submission that the evidence on record led before the Trial Court does not conclusively prove the guilt of the accused. He drew the attention of the Court to the panchanama of the spot, which came to be conducted after 24 hours of occurrence of incident and the weapon was seized from the open space. It is his submission that even the evidence of the alleged eye witnesses is not sufficient to prove the guilt of the Applicant beyond reasonable doubt. Finally he drew the attention of the Court to the evidence on record which indicates that even the Applicant was admitted in hospital pursuant to sustainment of injuries. He further contends that the Applicant has no criminal history behind him. It is his contention that having regard to these facts, the Applicant has reasonable chance of success in the Appeal.

4. Learned APP opposes the Application by citing seriousness of the crime. It is his submission that apart from the independent witnesses, eye witnesses have supported the case of the prosecution. It is his submission that the evidence on record is conclusive to prove the guilt of the Applicant.

5. In order to be entitled to seek suspension of the sentence, the Applicant has to make *prima-facie* case for chance of success in the Appeal. Prima-facie perusal of the record indicates that there are previous disputes between the parties. The testimony of the independent witness as rightly argued by the learned counsel for the Applicant is far from satisfactory. Accused No.7 as well as Accused No.8 seen to have accepted the fact that they did not see causing of assault upon one of the injured Machindra. Apart from the said fact, that the weapon has been seized from the open space that too after 24 hours of the occurrence of incident. In these facts, there is material on record to indicate that the Applicant was also admitted in the hospital pursuant to the occurrence of the incident. In such circumstances, the Applicant would have fair chance of success in the Appeal.

6. Out of 10 years of imprisonment, he has already undergone actual imprisonment of six years. He has no other crime registered against him. He is not likely to flee from justice. Hence the order.

ORDER:

- a). The Application stands allowed.
- b). The substantive sentence imposed against the Applicant by the impugned judgment and order dated 15th October, 2020 passed in Sessions Case No.85 of 2020 stands suspended till the decision of the Appeal
- c). The Applicant be enlarged on bail on furnishing PR bond in the sum of Rs.15,000/- with one surety in like amount.
- d). Since the Applicant and the injured are neighbor, in order to ensure that no further incident take place, the Applicant is directed to attend the concerned Police Station once in a month for a period of six months from today.

(R.M. JOSHI, J.)