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

**INTERIM APPLICATION NO.3074 OF 2025
IN
CRIMINAL APPEAL NO.913 OF 2025**

Naresh Nana Donde	Applicant
Vs.	
The State of Maharashtra	Respondent

Mr. Shirish Gupte, Senior Advocate with Mr. Amey R. Deshpande with
Vandana Bait for the Applicant/Appellant.
Smt. Madhavi H. Mhatre, APP for the Respondent-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.
DATE : 13th FEBRUARY, 2026.**

P.C.:-

- 1) This is an Application by Original Accused No.2 for suspension of sentence and releasing him on bail, during the pendency of the Appeal.
- 2) Heard Mr. Gupte, Senior Advocate for the Applicant and Smt. Mhatre, learned APP for the State. Perused record.
- 3) Applicant along with other accused persons has been convicted under Sections 302, 143, 147, 148 read with Section 149 of the Indian Penal Code (for short 'IPC'), under Section 4, 25 of the Arms Act and under Section 135 of the Maharashtra Police Act, 1951 and is sentenced to suffer R.I. for life for the said offence by the District Judge-1 and Additional Sessions Judge, Nashik in Sessions Case No.263 of 2019 vide Judgment and

Order dated 26th March, 2025.

4) Perusal of evidence on record, *prima facie* indicates that, PW.1 i.e. father of deceased-Ritesh, has made general allegation of assault by the Applicant along with accused persons on Ritesh at the date and time of the incident. PW.3, an eye witnesses attributed role of assault by fist and blows by the Applicant and by some of other accused persons upon the deceased Ritesh. The role of welding sword and assault by it, is attributed to Arvind Sonawane. PW.1 i.e. father of the Applicant, who is also an eye witness has also attributed role of assault with sword to Arvind Sonawane.

5) Learned APP Smt. Mhatre, on instructions, submitted that, Arvind Sonawane is not accused in the present crime. The sword used in the assault on deceased-Ritesh by accused-Arvind Sonawane, has been recovered at the instance of the Applicant under Section 27 of the Evidence Act in presence of Rakesh Ahire (PW.7). Perusal of his evidence indicates that, the said witness has failed to identify Applicant in the Court, as the same person at whose instance the said sword is recovered.

5.1) Mr. Gupte, learned Senior Advocate for the Applicant, on instructions, submitted that, during the pendency of the trial, the Applicant was released on bail.

6) In view of the above, we are inclined to suspend the substantive sentence imposed upon the Applicant and release him on bail, during the pendency of the Appeal.

- 6.1) Hence, the following terms and conditions:
- (i) During the pendency of the Appeal, the substantive sentence imposed upon the Applicant is suspended.
 - (ii) Applicant be released on bail in Sessions Case No.263 of 2019 arising out of C.R. No.73 of 2018 registered with Indiranagar Police Station, Nashik on his furnishing PR. bond of Rs.50,000/- with one or more solvent local sureties in the like amount.
 - (iii) After his release from Jail and during the pendency of the present Appeal, the Applicant shall attend Indiranagar Police Station, District Nashik on every first Monday of the month between 10:00 am and 12:00 noon initially for a period of one year.
After end of one year, the Applicant shall attend Indiranagar Police Station, District Nashik on every first Monday of the every 3rd Month between 10:00 am and 12:00 noon. The Applicant thus shall attend Indiranagar Police Station, District Nashik four times in a year during the pendency of the present Appeal.”
 - (iv) In case of two consecutive defaults in complying with the aforestated conditions, the Prosecution is at liberty to file an application for cancellation of bail.
- 7) Interim Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)