

Shubhada S Kadam

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

INTERIM APPLICATION NO. 3845 OF 2025

and

INTERIM APPLICATION NO.3844 OF 2025

IN

CRIMINAL APPEAL NO. 1031 OF 2025

Sanjay Sudam Khedekar

Raghunath Vithoba Kolekar

... Applicant/s

versus

Central Bureau Investigation SCB and 2 ors.

... Respondent/s

Mr. Niranjan Mundargi along with Mr. Laxman R. Shahapur, Ms. Keral Mehta, Mr. Ashish Chavhan, Advocates for the Applicants in both Interim Applications.

Mr. Kuldeep Patil along with Mr. Digvijay S. Kachare, Ms. Saili Dhuru and Mr. Sumit Nimbalkar, Advocate for Respondent No.1-CBI.

Ms. Ranjana D. Humane, APP for Respondent No.1-State.

Mr. Anush Shetty i/b. Dr. Yug Mohit Chaudhary, Advocate for Respondent No.3.

CORAM : SHIVKUMAR DIGE, J.

DATE : 16th JANUARY, 2026.

P.C. :

1. By these applications, the applicants are seeking suspension of sentence and bail during the pendency of appeal filed by them.

2. The applicants are convicted for the offences punishable under Sections 323 and 342 of the Indian Penal Code 1860 (for short "the IPC") and sentenced to suffer rigorous imprisonment for one year and to pay fine, in default, to suffer simple imprisonment for two months. The applicants are also convicted for the offences punishable under Sections

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330 and 120-B of the IPC and the maximum sentence imposed upon them is of seven years' of rigorous imprisonment and to pay total fine of Rs.62,000/-.

3. Learned counsel for the applicants submitted that the applicants have already deposited the fine amount. Learned counsel further submitted that the applicants were convicted only for bailable offences and they were not arrested as they were protected by the orders of Hon'ble Supreme Court. The applicants were on bail during the trial. Though charges under Section 302 of the IPC were levelled against the applicants, the applicants were not found guilty of the said offence. The applicants are police officers and have challenged the order of conviction before this Court. It may take time to dispose of the appeal, hence, requested to allow the applications.

4. Learned counsel for respondent No.1-CBI, learned APP for respondent-State along with learned senior counsel for respondent No.3 strongly objected to allow the applications.

5. Learned senior counsel for respondent No.3 submitted that the applicants have brutally murdered the victim and it is the case of custodial death. The applicants never went behind bars for a single day. A wrong message would be sent to the society if the sentence imposed on the applicants is suspended. Learned senior counsel further submitted that if this Court is inclined to allow the applications, the hearing of the appeal be

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expedited.

6. I have heard all learned counsel, perused the impugned judgment and order. During the trial, the applicants were on bail and they have not misused the liberty. The maximum sentence imposed upon the applicants is of seven years. The applicants are the police officers. Though charges under Section 302 of the IPC are levelled against them, the said charge is not proved against the applicants. It may take time to dispose of the appeal. Though it is contention of learned senior counsel for respondent No.3 that the hearing of the appeal be expedited, the same request can be made after some time as the appeal is of the year 2025.

6. In view of above, the applicants' sentence is suspended and they are enlarged on bail, pending the hearing and final disposal of the appeal, on the following terms and conditions :-

ORDER

- i) The applicants be enlarged on bail on furnishing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

7. Interim Applications are allowed in the aforesaid terms and are accordingly disposed of.

8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)