

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

**INTERIM APPLICATION NO. 4394 OF 2025
IN
CRIMINAL APPEAL NO. 1116 OF 2025**

Atharv Kiran Nisal

.... Applicant

v/s.

The State of Maharashtra

.... Respondent

Mr. Chetan H. Deshmukh for the Applicant.

Mr. Ashish I. Satpute, APP for the Respondent – State.

**CORAM: A.S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATED : 23rd JANUARY, 2026.

P. C. :-

- 1) This is an Application for suspension of sentence and releasing the Applicant on bail during the pendency of Appeal.
- 2) Applicant is original accused no.2 in Sessions Case No.390 of 2022. The Additional Sessions Judge, Nashik by its Judgment and Order dated 1st October, 2025 has convicted the Applicant alongwith other accused persons under Section 302 read with 34 of the Indian Penal Code and sentenced to suffer life imprisonment.
- 3) The F.I.R. is lodged by PW No.1-Vikas Gangurde i.e. brother of deceased. There are two eyewitnesses to the present crime namely, Rohit Pawar (PW No.3) and Avinash Shinde (PW No.6). PW No.3 has attributed the role of assaulting him by the Applicant and other accused persons and

has stated that, accused Mayur inserted chopper in the stomach of deceased Yash @ Kiran. PW No.6 has attributed role of assaulting deceased Yash @ Kiran with fist and kick blows only.

4) The co-accused namely Saurav Dipak Deshmukh (accused no.3) has been released on bail by this court *vide* its Order dated 17th November, 2025. The evidence on record *prima facie* indicates that, the Applicant is also entitled to be released on bail on the ground of parity.

5) Record indicates that, Applicant was on bail during the pendency of the trial and has been taken into custody on the date of his Judgment.

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

6.1) Hence, the following Order :-

(a) During the pendency of Appeal, preferred by the Applicant, the substantive sentence imposed upon the Applicant *vide* Judgment and Order dated 1st October, 2025, passed by the learned Additional Sessions Judge, Nashik, Dist. Nashik in Sessions Case No.390 of 2022, is suspended and the Applicant be released on bail on his furnishing PR bond of Rs.50,000/- with one or two local sureties in the like amount.

(b) Before his release from jail, the Applicant shall

give his prospective residential address and the mobile and/or landline number on which he or his any close relative can be contacted.

(c) After his release from jail, the Applicant shall attend the Mhasrul Police Station, Dist. Nashik on every first Monday of each month between 11.00 a.m. and 1.00 p.m. initially for a period of one year and thereafter on every first Monday between 11.00 a.m. and 1.00 p.m. of every third calender month i.e. four times in a year, till the disposal of Appeal.

(d) 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) Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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