

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 4410 OF 2025****IN****CRIMINAL APPEAL NO. 1174 OF 2025****WITH****INTERIM APPLICATION NO. 4409 OF 2025****IN****CRIMINAL APPEAL NO. 1174 OF 2025**

Sawan Jagdish Patel

.....Applicant

Vs.

Union Territory of Dadra
& Nagar Haveli & Anr.

.....Respondents

Mr. Vishal M. Deshmukh a/w. Adv. Vipul Dada Patil and Adv. Shubha Shirsat
for the Applicant.

Mr. Ashwin Thool a/w Adv. Ms. Archishmati Chandramore for the
Respondents.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 7th APRIL, 2026.

P.C.:-

- 1) These are the Applications for suspension of sentence and releasing the Applicant on bail respectively, during the pendency of Appeal.

2) Heard Mr. Deshmukh, learned counsel for the Applicant and Mr. Thool learned counsel for the Respondents. Perused record.

3) It is the prosecution case that, on 28th February, 2022, the Applicant while travelling from the car of the deceased Ms. Kanimozhi committed her murder and set ablaze the car. The body of deceased was found in a totally charred condition by the police. The motive behind the crime as propounded by the prosecution is that, the Applicant has committed a defalcation of Rs.2 lacs in the Educational Institution of the deceased where she was working as a Principal.

4) The case of the prosecution is based on circumstantial evidence. The broad circumstances propounded by the prosecution are as under:-

- i) Motive;
- ii) Presence of the Applicant with the deceased has been deposed by PW No.2 Premkumar Chalappa and;
- iii) Blood of the Applicant found at the scene of offence on 7th March, 2022.

5) As far as the motive is concerned, assuming for the sake of argument, there was motive behind commission of present crime is the main circumstance, the presence of Applicant in the car as stated by PW No.2 is doubtful.

PW No.2 stated that, on 28th February, 2022, when he was talking with the deceased on her mobile phone at about 8.45 a.m. he heard the deceased saying “*what happened Sawan?*” and he also heard somebody saying “*I will search*” and *reaching the college*” and “*okay Sawan*’.

5.1) From the said utterances heard by PW No.2, it is presumed that it is the Applicant who was with the deceased on the date and time of the incident.

6) As far as the blood of Applicant found at the scene of offence on 7th March, 2022 is concerned, PW No.14 who is a Scientific Officer of FSL Gujarat, has deposed that, on 7th March, 2022, he noticed the blood was splashed at 14 places in an area covering of 37’ x 28’. The Applicant informed him that, his fingers were crushed while closing the door of the car and therefore it is the blood which was sprinkled there.

6.1) In his cross-examination, PW No.14 on a Court question has answered that, the said blood spots were fresh. The said witness has not explained as to how the human blood which was sprinkled/splashed at the scene of offence on 28th February, 2022 would remain fresh till 7th March, 2022 without getting hemolyzed. It appears that, the said circumstance propounded by the prosecution is far fetched.

7) In view of the above, *prima facie* it appears to us that, the chain of circumstances propounded by the prosecution is incomplete. The

Applicant therefore can be granted bail during the pendency of the Appeal.

8) Hence, the following Order :-

- (i) 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 Sessions Judge, Dadra & Nagar Haveli, Silvassa, in Sessions Case No.10 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.
- (ii) 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.
- (iii) After his release from jail, the Applicant shall attend the Silvassa Police Station, Dadra and Nagar Haveli, Silvassa on every first Monday of each month between 10.00 a.m. and 12.00 noon initially for a period of one year and thereafter on every first Monday between 10.00 a.m. and 12.00 noon of every third calendar month i.e. four times in a year, till the disposal of 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.
- 9) Applications are allowed in the aforesaid terms.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)

SANJIV
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MASHALKAR

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