

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO.390 OF 2026****IN****CRIMINAL APPEAL NO.925 OF 2025**

Fulchand Bhulan Jaiswar

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Veerdhawal Deshmukh a/w Mr. Sarthak P. Shetty for the Applicant.
Ms. P.P. Shinde, A.P.P. for Respondent-State.

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

DATE : 21st APRIL 2026

P.C. :

1) This is an Application for suspension of sentence and releasing the Applicant on Bail during the pendency of his Appeal.

2) Heard, Mr. Deshmukh, learned Advocate for Applicant and Ms.Shinde, learned APP for Respondent State. Perused record.

3) Record indicates that, it is the prosecution's case that, the family of Applicant and the family of deceased used to reside in the same chawl. The family members of the Applicant were in habit to throw garbage and water out of their house resulting in frequent quarrels between both the families. On 13th May, 2020, at about 1:00 p.m. a quarrel took place for

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trivial reasons, resulting into Smt.Meenal Jaiswal i.e. the wife of the Applicant filing a complaint with the Police. On the same day at about 9:10 p.m., the deceased Shrikesh i.e. the brother of Brijesh went outside his house. The informant Brijesh heard a loud quarrel in the lane. He therefore went to the said place. He saw the Applicant was holding an iron rod, Accused Nos.2 and 3 namely Meena and Khushboo, were holding bamboo sticks in their hands and were assaulting Shrikesh. It is alleged that, the Applicant gave blows with the iron rod on the person of the deceased and one of the blow hit near the right eye of the deceased. The deceased was immediately rushed to the hospital. The deceased Brijesh died while undertaking treatment on 27th May, 2020.

4) Perusal of evidence of Dr. S. Ashok Kumar (PW No.2), indicates that, the case of Brijesh was of severe head injury with brain stem injury. The said injury later led to septicemia and due to further medical complications that developed during the course of the medical treatment the deceased ultimately passed away on 27th May, 2020, at about 05:00 p.m. in hospital.

5) Perusal of record *prima facie* indicates that, the Applicant and other accused persons did not have intention to commit culpable homicide amounting to murder of Brijesh, however the said incident had occurred as a result of frequent quarrels between both the families.

6) Mr. Deshmukh, submitted that, in view of the above, the case of the Applicant would fall within the purview of Explanation 4 of Section 300

and may attract Section 304 (Part-II) of the Indian Penal Code, 1860. *Prima facie*, we find substance in the submissions of the learned Advocate for the Applicant.

7) In view of the above, during the pendency of the Appeal, the substantive sentence imposed upon the Applicant can be suspended and he can be released on bail.

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 13th August, 2025, passed by the learned Additional Sessions Judge, Belapur in Sessions Case No.160 of 2023 (Old Thane Sessions Case No.232 of 2021), is suspended and the Applicant be released on bail on his furnishing PR bond of Rs.50,000/- with one or two local solvent 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) Applicant is permitted to enter the jurisdiction of Rabale MIDC Police Station, Navi Mumbai, only for marking his

presency as directed hereinbelow.

- iv) After his release from jail, the Applicant shall attend the Rabale MIDC Police Station, Navi Mumbai on every first Monday of each month between 10.00 a.m. and 1.00 p.m. initially for a period of one year and thereafter on every first Monday between 10.00 a.m. and 1.00 p.m. of every third calendar month i.e. four times in a year, till the disposal of Appeal.
 - v) Applicant shall remove himself from jurisdiction of Rabale MIDC Police Station, Navi Mumbai, immediately after marking of his presency.
 - vi) In case of two consecutive defaults in complying with the aforesaid conditions, the prosecution is at liberty to file application for cancellation of bail.
- 9) Application is allowed in the aforesaid terms.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)