

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 848 OF 2026****IN****CRIMINAL APPEAL NO. 135 OF 2026**

Pallavi Nilesh Dhoke

.....Applicant

Vs.

State Of Maharashtra

.....Respondent

Adv. Sana Raees Khan a/w Adv. Vipul Dushing for the Applicant.
Smt. PP. Shinde APP, for the Respondent-State.

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

DATE : 17th APRIL, 2026.

PC.:-

- 1) This is an Application by original accused No.4, for suspension of sentence and releasing her on bail, during the pendency of Appeal.
- 2) Heard, Ms.Khan, learned Advocate for Applicant and Ms. Shinde, learned APP for Respondent State. Perused record.
- 3) The Applicant along with three accused is convicted under Sections 302 and 427 read with 34 of the IPC and is sentenced to suffer imprisonment for life and to pay fine of Rs.10,000/- each, by the learned Additional Sessions Judge, Nashik in Sessions Case No.318 of 2023, by

Judgment and Order dated 23rd January, 2026.

4) The name of the deceased is Nitin Ganpat Jadhav. The incident took place on 8th April, 2023, at about 11.00 a.m..

4.1) It is the prosecution case that, the mobile phone of Accused No.1 i.e. the husband of the Applicant was found in possession of the deceased. To get the said mobile phone back, the accused persons called deceased near Galaxy Hospital. They took back the mobile phone of accused No.1 and also snatched the mobile phone of Nitin Jadhav. At that time, the accused persons assaulted Nitin Jadhav with fist, kick blows and iron rod. Due to the said assault, Nitin Jadhav fell on the road. With the help of ambulance of 108 number, deceased Nitin Jadhav was admitted in the Civil Hospital. While undergoing treatment, Nitin Jadhav passed away on 23rd April, 2023.

5) When admitted in hospital, Nitin Jadhav gave oral dying declaration to Mr. Krushna Wani (PW-5) and his father Mr. Ganpat Jadhav (PW-1).

5.1) In the cross-examination, PW-1 has admitted the fact that, his son was not in a condition to speak when he visited the hospital and he was not aware as to who assaulted his son.

6) Perusal of medico legal evidence indicates that, the deceased was alive for about 15 days and was undergoing medical treatment in the hospital. It *prima facie* appears to us that, the accused did not have

intention to commit the murder of Nitin Jadhav. However, they had knowledge that, if Nitin Jadhav is assaulted with an iron rod, he may suffer fatal injuries. It *prima facie* appears that, the case of the Applicant may fall within the purview of Exception 4 of Section 300 of the IPC and the Applicant has committed an offence as contemplated under Section 304 (Part-II) and not under Section 302 of the IPC.

7) Learned Advocate for the Applicant submitted that, during the pendency of trial, the Applicant was released on bail and there is no report of committing breach of any condition imposed upon her.

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

9) 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 23rd January, 2026, passed by the learned Additional Sessions Judge, Nashik in Sessions Case No.318 of 2023, is suspended and the Applicant be released on bail on her furnishing PR bond of Rs.50,000/- with one or two local solvent sureties in the like amount.

- (ii) Before her release from jail, the Applicant shall give her prospective residential address and the mobile and/or landline number on which she or her any close relative can be contacted.
 - iii) After her release from jail, the Applicant shall attend the Ambad Police Station, Nashik 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 calender month i.e. four times in a year, till the disposal of Appeal.
 - iv) In case of two consecutive defaults in complying with the aforesaid conditions, the prosecution is at liberty to file application for cancellation of bail.
- 10) Application is allowed in the aforesaid terms.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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by SANJIV
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