

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1905 OF 2025
IN
CRIMINAL APPEAL NO. 353 OF 2025

Sachin Shivram Kumbhar
VERSUS
State of Maharashtra & Anr.

WITH
INTERIM APPLICATION NO. 2052 OF 2025
IN
CRIMINAL APPEAL NO. 596 OF 2025

Ashwini Prakash Chavan
VERSUS
The State of Maharashtra

Mr. Rizwan Merchant with Mr. Sagar Shete, Mr. Sultan Khan i/by Mr. Arya Ambulkar with Mr. Aditya Raktade for the applicant in IA/1905/2025.

Mr. Shreyas Barsawade for the applicant in IA/2052/2025.

Mr. Shrikant Yadav, APP for the State.

CORAM : MILIND N. JADHAV & NANDESH S.
DESHPANDE, JJ.

DATED : JULY 3, 2026

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P.C.:

1. These are two Criminal Appeals, namely, Criminal Appeal No. 353 of 2025 and Criminal Appeal No. 596 of 2025, along with two Interim Applications, namely, Interim Application No. 1905 of 2025 and Interim Application No. 2052 of 2025, seeking suspension of sentence. Both the appellants-applicants are arrayed as accused Nos. 1 and 2 and have been convicted by the judgment and order dated 30th January 2025 for the offences punishable under Sections 302 read with 34 and 363 of the Indian Penal Code, 1860.

2. Briefly stated, accused No.1, Ashwini Chavan, is the mother of the deceased, by name Gaurav, who was aged 10 years. Accused No.2 is Sachin Kumbhar and the prosecution theory is that Ashwini and Sachin were working together in Garware Company and had become close, which fact came to the knowledge of the minor son, Gaurav. According to the prosecution, in order to conceal the said fact and it not be known to the husband of Ashwini, who is the first informant and PW-5, they eliminated Gaurav by drowning him in a canal.

3. Prima facie, with the able assistance of Mr. Merchant, learned Advocate for the applicant in IA/1905/2025, Mr. Barsawade, learned Advocate for the applicant in IA/2052/2025, and Mr. Yadav, APP for the

State, we have perused the record of the case.

4. At the outset, Mr. Yadav, in his usual fair-mindedness, places before us the nominal chart with regard to both accused persons, which spells that they have been incarcerated for a total period of 7 years 1 month 25 days till today with remission, and their actual physical imprisonment is almost about 6 years.

5. What we find on reading the judgment and order on conviction is that the evidence led by the prosecution is circumstantial and not direct. Most importantly, the motive of the crime stands prima facie defeated when the witness action of PW-5, i.e., husband of accused No.1, is perused, wherein he categorically states that he was aware of the extra-marital affair between the two accused persons.

6. In that view of the matter, the prosecution theory becomes somewhat weak; however, that will undoubtedly be decided by us when we hear the criminal appeals, which have been filed in 2025, and there is very little chance that the said appeals will be decided immediately in the near future.

7. We are therefore inclined to consider the submissions made by Mr. Merchant, learned Advocate for the applicant in IA/1905/2025, Mr. Barsawade, learned Advocate for the applicant in IA/2052/2025, and to allow the interim applications for suspension of sentence.

8. Interim Applications stand allowed and disposed of on the following terms:

- a) The sentence imposed on the Applicants by the learned Additional Sessions Judge, Wai vide judgment and order **dated 30 January 2025 passed in Sessions Case No.136 of 2023** is suspended till the final disposal of Criminal Appeals.
- b) Applicants are directed to be released on bail on executing a P.R. bond in the sum of ₹25,000/- (Rupees Twenty-Five Thousand only) each, with one or two solvent sureties in the like amount in connection with Sessions Case No.136 of 2023.
- c) Before their release from jail, the Applicants shall give their prospective residential addresses and the mobile and/or landline numbers on which any close relative can be contacted.
- d) Bails be submitted before the Trial Court.
- e) Till the Criminal Appeals are disposed of, the Applicants shall report to the Trial Court on 1st Monday every six months commencing from August 2026.
- f) The Applicants shall attend this Court when the appeals are listed for final hearing.

g) 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.

(NANDESH S. DESHPANDE, J.)

(MILIND N. JADHAV, J.)