



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 2879 OF 2026
IN APPEAL/572/2026**

1. Gaurav @ Jyotiba Chandrakant Nikam
Age: 22 years, Occu.: Agriculture.
2. Savita Chandrakant Nikam
Age: 38 years, Occu.: Aasha Sevika.
3. Chandrakant Namdev Nikam
Age: 55 years, Occu.: Agriculture.

All R/o. Mohadal, Post Ashta,
Tq.Chakur, District Latur.

....Applicants

Versus

- . The State of Maharashtra
Police Station Chakur
District Latur.

.....Respondent

.....
Mr. Yogesh G. Birajdar, Advocate for Applicants.
Mrs. Chaitali Chaudhari Kutti, APP for Respondent.
.....

CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 08 SEPTEMBER, 2026
Pronounced on : 09 SEPTEMBER, 2026

ORDER :

1. The instant application is preferred for suspension of sentence awarded in Sessions Case No.45 of 2025 by the learned Additional Sessions Judge, Latur vide judgment and order dated 09.07.2026, for the offence punishable under Section 105 Part II read with Section

3(5) of the Bharatiya Nyaya Sanhita, 2023 [BNS] and equally, a prayer is made for grant of bail to the applicants.

2. It is submitted that the applicants have been falsely implicated. That, even otherwise, the occurrence took place due to provocation by the deceased. There are allegations regarding use of sticks and such role has been attributed to several accused, whereas there is only one injury. Even in Column No.17 of the postmortem report, no injuries are noted. Therefore, on several counts, the applicants have a good case on merits in the appeal. However, as the appeal would require some more time for hearing, the relief of suspension of sentence and grant of bail is urged for.

3. Learned APP opposed the application on the ground that there is an eye-witness account. It is submitted that the role of the applicants has been crystallized regarding the assault by use of sticks. PW-4 and PW-5 are relevant witnesses and, for the said reasons, the relief of suspension of sentence and grant of bail is opposed.

4. After considering the above submissions and on going through the papers, it appears that the applicants were tried for the offences punishable under Sections 103(1), 352 read with Section 3(5) of the BNS in Sessions Case No.45 of 2025. Admittedly, conviction has been

recorded for the offence punishable under Section 105 Part II read with Section 3(5) of the BNS. From the medical papers, it emerges that there is only one head injury. There are allegations of assault against as many as four accused by use of sticks. The learned Trial Court has sentenced the applicants to undergo imprisonment for five years, which is a fixed term. Taking into consideration the aforesaid facts and as the appeal is of the year 2026, there are no chances of hearing the same in immediate near future. Therefore, the relief as prayed deserves to be granted. Hence, the following order:

ORDER

- I. The Criminal Application is allowed.
- II. The substantive sentence imposed on the applicants (1) Gaurav @ Jyotiba Chandrakant Nikam, (2) Savita Chandrakant Nikam and (3) Chandrakant Namdev Nikam by the Additional Sessions Judge in Sessions Case No.45 of 2025 on 09-07-2026, stands suspended till the final hearing and disposal of Criminal Appeal No.572 of 2026.
- III. The applicants be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand only) each with two solvent sureties each in the like amount.
- IV. The applicants shall not commit any criminal activity.

- V. The applicants shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the appeal, commencing from the date he tenders bail papers and thereafter, the trial Judge to fix dates for their subsequent appearances.
- VI. In case of two consecutive defaults on the part of the applicants to remain present before the trial court, the trial court to inform this court about the same and in that eventuality, the prosecution would be at liberty to file an application for cancellation of bail granted to the applicants.
- VII. Bail before the trial court.

[ABHAY S. WAGHWASE, J.]