



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**CRIMINAL APPLICATION NO. 1409 OF 2024**  
**IN**  
**CRIMINAL APPEAL NO. 301 OF 2024**

Chhatrapati Tukaram Zade,  
Age 34 years, Occupation Agriculture,  
R/o. Solapurwadi, Taluka Ashti,  
District Beed.

... Applicant  
[Accused]

Versus

The State of Maharashtra

... Respondent

.....  
Mr. Sudarshan J. Salunke, Advocate for the Applicant.  
Mr. D. J. Patil, APP for the Respondent-State.  
.....

**CORAM : ABHAY S. WAGHWASE, J.**

**DATED : 04.04.2024**

**ORDER :**

1. Instant application is for suspension of sentence awarded in Sessions Case No. 99 of 2022 dated 12.03.2024 for offence under Section 307 of the Indian Penal Code [IPC] and equally, prayer is raised for grant of bail also.

2. Learned counsel for the applicant pointed out that initially, accused was chargesheeted for offences under Sections 307, 326, 324, 309 and 506 of IPC. However on committal, learned Sessions Court framed charge only for offences under Sections 307, 309 and, 506 of IPC and has finally convicted applicant only for offence under Section

307 of IPC and he stood acquitted from charge under Sections 309 and 506 of IPC.

3. He further submitted that there is apparently improper appreciation of evidence and hence appeal is preferred. That, it would take long time to be heard. He pointed out that accusations are that a stone was hit on the head. On court query, he further pointed out that said stone put to use was picked up, which was lying there, as a result of quarrel between son-in-law and father-in-law. He further pointed out that trial court awarded sentence of four years. Applicant was on bail during trial and for above reasons he prays to grant relief as prayed.

4. Learned APP strongly opposed on the ground that stone of 12 kg. weight has been hit on vital part like head. Grievous injury has been caused. Considering the injured witness account and medical account, guilt has been recorded for above offence. Learned APP expressed possibility of misuse of suspension as well as bail.

5. Heard. Perused the papers.

6. It seems that applicant faced trial for offences under Sections 307, 309 and 506 of IPC. Operative part of the order shows that

conviction is recorded only for offence under Section 307 of IPC and sentence awarded is of four years. Case of prosecution seems to be rested on evidence of 9 witnesses. It seems that there was some marital discord between Kavita and accused and so she was put up with her brother (informant). Occurrence seems to be of 24.01.2020. Accusations are that, husband assaulted father-in-law Baban with stone on head. Assault seems to be mounted for not allowing Kavita to cohabit.

7. Appeal is preferred in 2024 and would obviously take long time to be heard and decided. Statement has been made across the bar that accused was on bail during trial. Clause (2) of the operative order fortifies such contention. Resultantly, for above reasons, relief as prayed deserved to be granted. Hence, I proceed to pass the following order:

### **ORDER**

- I. Criminal Application stands allowed.
- II. The substantive sentence imposed on the applicant Chhatrapati Tukaram Zade in Sessions Case No. 99 of 2022 by the Sessions Judge, Beed on 12.03.2024 stands suspended till the final hearing and disposal of Criminal Appeal No. 301 of 2024.

- III. The applicant be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with two solvent sureties in the like amount.
- IV. The applicant shall not commit any criminal activity.
- V. The applicant 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 his subsequent appearances.
- VI. In case of two consecutive defaults on the part of the applicant 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 applicant.
- VII. Bail before the trial court.

**[ABHAY S. WAGHWASE, J.]**