



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1411 OF 2024
IN APPEAL/302/2024

1. Nivrutti Bhausahab Kajabe
Age: 36 years, Occu.: Agril.,
R/o. Dhangarwadi, Tq.Newasa,
Dist.Ahmednagar.
 2. Sakharam s/. Bhausahab Kajabe
Age: 38 years, Occu.: Agril.,
R/o. Dhangarwadi, Tq.Newasa,
Dist.Ahmednagar.
 3. Rahul s/o. Navnath Patole
Age: 27 years, Occu.: Agril.,
R/o. Bramhni, Tq.Rahuri,
Dist. Ahmednagar.
- ..Applicants
(Orig. Appellants/Accused)

Versus

- . The State of Maharashtra
Through : The Police Inspector,
Newasa Police Station,
Tq.Newasa, Dist.Ahmednagar.
- ..Respondent

.....

Advocate for Applicants : Mr. Sanjay D. Kotkar
APP for Respondent: Mr.S.M.Ganachari

...

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 18 APRIL, 2024
PRONOUNCED ON : 23 APRIL, 2024

ORDER :-

1. Convicts applicants are seeking suspension of substantive sentence and to grant bail on account of their conviction recorded by Additional Sessions Judge, Newasa in Sessions Case No.8 of 2017 dated 15-03-2023.
2. It is submitted that alleged incident had taken place during talks of compromise of some previous complaint. It was not a planned act. There are allegations of use of iron rods and axe, There is single injury. It is pointed out that though medical certificate is placed on record, Doctor has not been examined. Applicants were on bail during trial. They have preferred appeal against judgment and order of conviction and the same would take long time to be heard and decided and hence, above prayers are pressed into service.
3. Learned APP took this Court through the evidence of informant, injured, medical expert and injury certificate and pointed out that there is direct injured eye witness account. That there is murderous assault. That assault is on vital part of body like head. That injured was critical. Therefore, with such accusations, he submits that applicants are not entitled for the relief put-forth.

4. Perused the papers. It seems that present applicants were booked vide Crime No.60 of 2015 for commission of offence under Sections 307, 323, 504 and 506 of the Indian Penal Code (IPC). Occurrence seems to be of 22-02-2015. According to complaint, accused no.1 invited informant for dinner and during such time, there were some talks on settling the matter pertaining to complaint lodged against accused no.1. First Information Report shows that during conversation, present applicant no.2 Sakharam had entered in the house and returned with articles like axe, iron pipes and such articles were handed over to present applicants and there are allegations of use of axe on the head of Vithal Pandurang Doifode. Hearing his shouts, injured Mahadeo came and he was also targeted and assault was made by use of axe as well as pipes.

Therefore, apparently roles of all the applicants are coming on record. Perused the injury certificate of injured Mahadeo. He has suffered grievous injury to frontal temporal region. Hospital papers show that after suffering CLW injury, there was complaint about vomiting and he was required to be referred to higher center.

5. Therefore, taking into consideration nature of accusations, nature of articles used, nature of charge, circumstances in which

incident took place, in the considered opinion of this Court, no case is made out for grant of relief. Accordingly, I pass following order :

ORDER

Criminal Application No.1411 of 2024 is rejected.

(ABHAY S. WAGHWASE)
JUDGE