



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 374 OF 2025
IN
CRIMINAL APPEAL NO. 917 OF 2024

- 1] Vinod Dnyandev Jarhad
Age-30 years, Occupation-Agri,
R/o. Parada, Tq. Ambad,
Dist. Jalna.
- 2] Kailas Ramdas Jarhad
Age-31 years, Occupation-Agri,
R/o Parada, Tq. Ambad,
Dist. Jalna. ... Applicants

Versus

The State of Maharashtra ... Respondent

.....
Mr. Sudarshan J. Salunke, Advocate for the Applicant.
Mr. C. V. Bhadane, APP for Respondent-State.
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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 30.01.2025

Pronounced on : 03.02.2025

ORDER :

1. Present application is for suspension of sentence and grant of bail on account of conviction recorded by learned Additional Sessions Judge, Ambad, District Jalna dated 19.09.2024 in Sessions Case No. 41 of 2021.

2. Learned counsel pointed out that both present applicants are falsely involved and shown to be accused nos. 4 and 5 in crime bearing no. 83 of 2024 registered for offences under Sections 307, 324, 143, 147, r/w 149 of IPC and Section 135 of the Maharashtra Police Act. He submitted that, both applicants were on bail during trial. Alleged incidence has taken place in the backdrop of teasing girl. Six persons were implicated. However, as regards to present applicants are concerned, it is submitted that allegations against them are of using stick. That, injured informant Bhanudas has also specified only such role of applicants. That, informant has suffered simple injury and there is doctor's evidence to that extent. As regards to other offences are concerned, they have no concern. That, after judgment of conviction, they were arrested. They have preferred appeal before this court assailing the judgment of conviction but appeal being of year 2024, as it would take long time to be heard, learned counsel seeks relief of suspension of sentence and grant of bail.

3. Opposing the above application, learned APP pointed out that sentence awarded is imprisonment for 10 years for commission of offence under Sections 307, 324 by applying 149 of IPC as all accused were together and they have committed the offence with common

object. On complete appreciation of evidence, guilt and conviction is recorded and for above reasons, learned APP prays to reject the application.

4. Heard. Perused the papers. Here, FIR seems to be at the instance of Bhanudas Patole, who has given statement that on 23.05.2014, six persons named in the report, i.e. Ramdas, Sopan, Dnyandev, Vinod (present applicant no.1), Rajendra and Kailas (present applicant no.2), together came armed with sticks and informed his brother Shivnath that his son, namely, Somnath has teased their daughter and saying so, they all started beating Shivnath. When informant intervened, he was assaulted on head by Vinod and Kailas, i.e. present applicants, by means of stick and his brother Shivnath was assaulted on head by Ramdas, Sopan, Dnyandev and Rajendra by means of stick. Learned counsel has invited attention of the Court to the testimony of PW9 Doctor who examined both, Bhanudas and Shivnath. Said doctor has provided primary treatment and referred both of them to Civil Hospital. This doctor has admitted in evidence that injuries suffered were simple. However, on visiting evidence of another doctor PW6 who treated Shivnath, he deposed about grievous injury to brain and that there being permanent damage to the patient, he cannot be recovered fully and it has

resulted into permanent disability of some organs. Informant Bhanudas has stated that even after Shivnath fell, he was further assaulted. Therefore, taking such material into consideration, learned trial Judge has awarded sentence as spelt out in the operative part. For above reasons, taking into account the material in the chargesheet and the nature of charges proved on trial, this Court does not find it a fit case for suspending sentence. Hence, following order is passed.

ORDER

The application is dismissed.

[ABHAY S. WAGHWASE, J.]