



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 793 OF 2025
IN APEAL/284/2025

SAHEBRAO BHIMRAO AHIRE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. D. B. Thoke

APP for Respondent No. 1-State : Mr. P. V. Diggikar

...

WITH

CRIMINAL APPEAL NO. 284 OF 2025

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CORAM : ARUN R. PEDNEKER, J.

Dated : July 30, 2025

PER COURT :-

1. Heard learned counsel for the applicant and learned AGP for State.

2. The applicant is convicted for the offence punishable under Sections 307 and 506(ii) of the IPC vide judgment and order dated 16.07.2024 passed by the Sessions Judge, Dhule in Sessions Case No. 236 of 2021. The relevant part of the sentence is as under :-

The accused Sahebrao Bhimrao Ahire is hereby convicted under Section 235(1) of CrPC. Of the offence punishable under 307 of the Indian Penal Code and sentenced to suffer R.I. for 10 years, and to pay fine of Rs. 1,000/- (Rs. One Thousand only) in-default to suffer R.I. for 1 month.

The accused Sahebrao Bhimrao Ahire is hereby

convicted under Section 235(1) of CrPC. Of the offence punishable section under 506(ii) of the Indian Penal Code and sentenced to suffer R.I. for 7 years, and to pay fine of Rs. 1,000/- (Rs. One Thousand only) in-default to suffer R.I. for 1 month.

3. Learned counsel for the applicant submits that the alleged incident has happened on the count cooking. Applicant asked victim to cook egg but victim refused for the same. It is stated that the applicant has assaulted the victim with axe and one injury is caused on the head. Learned counsel submits that primarily, the evidence does not establish that the offence under Section 307 of IPC. In fact, there is no intention to kill the victim at the hands of applicant / accused. Learned counsel also submits that no case is made out on merits. He further submits that the recovery based on the statement under Section 27 of the Evidence Act is also doubtful as the weapon is recovered from the open space. At the most, considering the incident in question, maximum offence under Section 325 of IPC possibly can be made out.

4. The learned APP strongly opposes the application on the ground that serious offence under Section 307 of IPC is committed by the applicant. Hence, prays for rejection of the application.

5. From the above submissions and record available, it appears that the applicant in the instant case is in jail from last 2.5 years. The appeal will take own time to conclude. Hence, I deem it appropriate to suspend the substantive sentence imposed on the applicant and release him on bail. Hence, following order.

ORDER

1. The substantive sentence imposed on the applicant is **suspended**.
 2. The applicant be released on bail on such terms and conditions to the satisfaction of the Trial Court.
 3. Accordingly, the application (Cri. Appln. No. 793 pf 2025) stands disposed of.
6. Considering the arguable issue raised by the applicant, appeal is **admitted**.
7. After admission, learned APP waives service of notice on behalf of State. Call Record and Proceedings.
8. List the criminal appeal after receipt of the Record and Proceedings.

ARUN R. PEDNEKER, J.