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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1286 OF 2025
IN
CRIMINAL APPEAL NO.239 OF 2025

Abhiman Hiranman Sonawane and Others

APPLICANTS

VERSUS

The State of Maharashtra and Another

RESPONDENTS

.....
Mr. N. K. Bhadane, Advocate for the Applicants
Mr. A. S. Shinde, APP for Respondent - State
Ms. Pooja K. Apache, Advocate for Respondent No.2 (appointed)
.....

[CORAM : NITIN B. SURYAWANSHI, &
SANDIPKUMAR C. MORE, J. J.]

DATE : 10th JULY, 2025

ORDER :

1. By this Application, the Applicants seek suspension of their substantive sentence of life imprisonment imposed on them by the learned Additional Sessions Judge, Dhule in Sessions Case No. 70 of 2017.
2. Prosecution has alleged that on 2nd April, 2017, between 10.00 p.m. and 10.30 p.m., six Accused persons, armed with deadly weapons like iron tommy, wooden sticks, etc., by forming unlawful assembly, assaulted, Hiranman Desale, Kakaji Mali, Himmat Desale and Sunitabai Pawar. In the said assault, Hiranman expired.

3. Before the Trial Court, nine witnesses were examined by the prosecution in support of the charge and the defence examined six witnesses. Trial Court, after appreciating the evidence, found all the Applicants guilty and convicted them for the offence punishable under sections 143, 147, 148, 324, 302 of the Indian Penal Code and sentenced them as aforesaid.

4. Heard learned Advocate for the Applicants, learned APP for the State and learned Advocate appointed to represent the second respondent. With their assistance, we have perused the record.

5. It appears from the evidence that due to the assault by Applicant No.1 Abhiman with tommy, Hiranman received two injuries on head, which proved to be fatal. Considering the evidence against Applicant No.1 – Abhiman, he does not deserve bail. So far as other applicants are concerned, they have assaulted other injured witnesses with sticks. They were on bail during trial. Considering pendency of the jail appeals, the Appeal filed by the Applicants is not likely to be taken up for final hearing in the near future. In this view of the matter, we are inclined to suspend the substantive sentence of imprisonment of Applicants No.2 to 6.

6. In the result, the Criminal Application is partly allowed. Application of Applicants No.2 to 6 is allowed. Substantive Sentence of imprisonment of Applicants No.2 to 6 is suspended. Applicants No.2 to 6, Kanhaiyya Ashok Pawar, Yuvaraj Ramesh Sonawane, Bapu Ramesh Sonawane, Laxman @ Lakha Hiranman Sonawane and Raj Laxman Sonawane be released on bail on furnishing personal bond of Rs.15,000/- with one surety each. Application to the extent of Applicant No.1 is rejected.

7. Fees payable to the learned Advocate appointed to represent the second respondent be paid by Legal Aid Services as per Schedule A, within 4 weeks.

[SANDIPKUMAR C. MORE]
JUDGE

[NITIN B. SURYAWANSHI]
JUDGE