



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

903 CRIMINAL APPLICATION NO. 3607 OF 2025
IN
CRIMINAL APPEAL NO. 699 OF 2025

Chandar Zipa Bhil

VERSUS

The State Of Maharashtra

...

Mr. Chetan H. Deshmukh a/w Mr. Rushikesh Patil, Mr. Harsh Chaudhary
i/b Mr. Krishna P. Rodge - Advocate for Applicant
Mr. M. K. Goyanka - APP for State

...

AND
CRIMINAL APPLICATION NO. 3523 OF 2025
IN
CRIMINAL APPEAL NO. 680 OF 2025

Bhila Chandra Bhil

VERSUS

The State Of Maharashtra

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Mr. Pramod C. Mayure - Advocate for Applicant
Mr. C. V. Bhadane - APP for State

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CORAM : NEERAJ P DHOTE, J.
DATED : 20TH SEPTEMBER, 2025

PER COURT : -

1. These are the Applications for suspension of sentence.
2. The Applicants have been convicted and sentenced by the learned Sessions Judge, Dhule, vide the Judgment and Order dated 30th July, 2025 passed in in Sessions Case No. 61 of 2017, as under : -

"1. The accused Nos. (1) Bhila Chandra Bhil, (2) Chandar Zipa Bhil and (3) Pravin Omkar Patil are hereby convicted under Section

235(2) of Cr.P.C. of the offence punishable under Section 306 r/w 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 10 (Ten) years and to pay fine of Rs.5,000/- (Rs. Five Thousand only) each, in-default to suffer R. I. for 1 (One) month.

2. *The accused Nos. (1) Bhila Chandra Bhil, (2) Chandar Zipa Bhil and (3) Pravin Omkar Patil are hereby convicted under Section 235(2) of Cr.P.C. of the offence punishable under Section 323 r/w 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 1 (One) year and to pay fine of Rs.1,000/- (Rs. One Thousand only) each, in-default to suffer R. I. for 15 days.*

3. *The accused Nos. (1) Bhila Chandra Bhil, (2) Chandar Zipa Bhil and (3) Pravin Omkar Patil are hereby convicted under Section 235(2) of Cr.P.C. of the offence punishable under Section 506 (II) r/w 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 7 (Seven) years and to pay fine of Rs.5,000/- (Rs. Five Thousand only) each, in-default to suffer R. I. for 1 (One) month.*

4. to 14.”

3. The Prosecution’s case, in brief, is that four persons who were parents and two brothers of the Informant committed suicide due to harassment at the hands of the Applicants. The Informant’s father was working as a Meson. He was a labourer at the time of construction of house of Accused No. 1 - Bhila. When the Informant’s father went to demand the wages, he was abused and threatened by Accused No. 1 – Bhila. The Deceased was asked to leave the village. The Deceased with his family members left the village for some period. Even thereafter, the Convicts harassed the Deceased and his family members, and Accused No. 1 – Bhila alleged that the Deceased caught hold the hand of his Daughter. Due to the harassment, the Informant’s parents and both the siblings committed Suicide by throwing themselves under the train. The

Informant also tried to commit suicide, however, she was unsuccessful. The matter was reported to the Police and Crime came to be registered for the offences punishable under Sections 306, 323, 337 and 506 of the Indian Penal Code *vide* Crime No. 13 of 2017. After the investigation, the Charge-sheet was filed, and after the Trial, the Applicants along with one another came to be convicted as above.

4. Heard the learned Advocate for the Applicants and the learned APP for the State. Perused the papers on record.

5. The suicide note was seized during the course of the investigation, which was exhibited during the course of the Trial. The said suicide note reads as under : -

"मु. ब्राम्हणे, ता अमळनेर, जि. जळगांव.
प्रविन ओंकार पाटील गावचे पोलीस पाटील आणि बेटावद व
ब्रम्हणे या दोन गावचे लोक बोलाउन मी आसाराम भबुता भिल
मला माज्या परीवार सोबत माला रात्री १२:२० च्या यांनी माला
गावातुन मारहान करुन माला काढन दीले म्हणून मी माज्या
परीवार सोबत आतमाहात्या करीतो माल्यावर खोठ आरोप
घेनारचे नाव भिला चंद्र भिल रा. ब्रम्हणे व चन्द्रा झीपा भिल
रा. बेटावद यांनी खोटे आरोप घेतले महनून मी माज्या परीवार
सोबत आतमाहात्या करतो
मी आसाराम भबुता भिल रानार ब्रम्हणे याला जबाबदार
फक्त ब्राम्हणे गावाच्या पोलीस पाटील हाय यांनी दोन गावाचे
लोक जमा करुन माला मारले महनून मी माज्या पीरवार
सोबत अतमाहात्या करीतो
मी आसाराम भबुता भिल"

6. Another relevant evidence is that the Informant, who is examined as PW7, wherein she deposed that the Convicts were harassing her family and are responsible for the death of her parents and two Brothers.

7. Even if the Prosecution's evidence is accepted as it is, *prima facie*, the essential ingredients of Section 107 of the Indian Penal Code are not seen. The sentence imposed upon the Applicants is term sentence. They were on bail during the Trial. The Appeal of the Applicant in Criminal Application No. 3523 of 2025 is recently admitted on 12th September, 2025, and the Appeal of the Applicant in Criminal Application No. 3607 of 2025 is to be admitted. Therefore, the Appeals would not come up for final hearing in the near future. One of the co-accused Pravin Omkar Patil has been enlarged on bail by this Court by suspending his sentence *vide* order dated 22nd August, 2025. Hence, I proceed to pass the order :

ORDER

- [i] The Applications are allowed.
- [ii] The sentence imposed upon the Applicants by the learned Sessions Court, Dhule, District Dhule, *vide* the impugned Judgment and Order dated 30.07.2025 passed in Sessions Case No. 61 of 2017, is hereby suspended till the final decision of the Appeals. In the meantime, the Applicants-

Accused be released on bail on their furnishing personal bond of Rs.25,000/- each, with one surety in the like amount.

[iii] The Applicants shall not tamper with the prosecution evidence and shall not leave **Jalgaon** District until the disposal of the Appeals.

[iv] Bail before the Trial Court.

[NEERAJ P. DHOTE]
JUDGE

SG Punde