



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

913 CRIMINAL APPLICATION NO.4062 OF 2025
IN
CRIMINAL APPEAL NO.812 OF 2025

Manikrao Alias Babu Balaji Sawant

....Applicant

VERSUS

The State of Maharashtra

.....Respondent

.....

Shri. Nilesh S. Ghanekar, Advocate for the Applicant

Ms. M. L. Sangit, APP for the Respondent – State.

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CORAM : NEERAJ P. DHOTE, J.

Dated : NOVEMBER 06, 2025

PER COURT :-

. Heard the learned Advocate for the Applicant – Appellant and the learned APP for the State.

2. This is the Application for Suspension of substantive Sentence imposed by the learned Sessions Judge, Bhokar, Dist. Nanded in Sessions Case No.15/2020 convicting the Applicant for the offence punishable under Section 304 Part II of the Indian Penal Code and sentencing him to suffer Rigorous Imprisonment for 10 years and fine of Rs.5000/- (Rupees Five Thousand only), in default to suffer Rigorous Imprisonment for 6 months and further convicting him for the offence punishable under Section 325 of the I.P.C. and sentencing to suffer Rigorous Imprisonment for 4 years and fine of Rs.2500/- (Rupees Two Thousand Five Hundred Only), in default to suffer Rigorous

Imprisonment for 3 months.

3. The relevant observations from the impugned Judgment reads as under :

“Now, the question arises for which offence, the accused no.3 is to be held guilty. It is not the case of prosecution that the deceased was pinned down to the ground and repeated blows were inflicted on his skull. There is no evidence of any premeditation. A single assault unleashed by the accused no. 3 on the head of the deceased resulted in causing head injury. A single blow was inflicted. Since, there was a free fight in between two groups, the accused no.3 appears to have acted without premeditation and after giving a single blow, he did not behave in cruel and unusual manner. The requisite intention to commit murder cannot be attributed to him, instead of section 302, the accused no.3 is held guilty of the offence punishable under section 304 Part II of the IPC.”

4. Maximum sentence awarded to the Applicant is 10 years Rigorous Imprisonment with fine. The Applicant is behind the bars from 15.06.2019 till date. He has undergone imprisonment for a period of 6 years and 5 months i.e. more than half of the sentence awarded. The Appeal is recently admitted and record and proceedings are awaited and therefore, the Appeal will not come for final hearing in the near future. Hence, I proceed to pass the following order.

ORDER

- [i] The Application is allowed.
- [ii] The sentence imposed upon the Applicant by the learned Sessions Judge, Bhokar, District Nanded, in Sessions Case No.15/2020, is hereby suspended till the final decision of the Appeal. In the meantime, the Applicant be released on bail on his furnishing personal bond of Rs.15,000/-, with one surety in the like amount.

- [iii] The Applicant shall not tamper with the prosecution evidence.
- [iv] The Applicant shall not change his place of residence without intimation to this Court.
- [v] The Applicant shall cooperate in early disposal of the Appeal.
- [vi] Bail before the Trial Court.
- [vii] Application stands disposed off.

(NEERAJ P. DHOTE, J.)

GGP