



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

**CRIMINAL APPLICATION NO. 838 OF 2025
IN APEAL/149/2025**

SHIVRAJ HANMANTRAO PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. Satej S. Jadhav, Advocate for Applicants
Mr. S. D. Ghayal, APP for Respondent/State
Mr. P. P. More, Advocate h/f Mr. Vikas G. Kodale, Advocate for
Informant

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**CORAM : NITIN B. SURYAWANSHI &
MANJUSHA DESHPANDE, J.J.**

DATE : 05th MAY, 2025

PER COURT :

1. Leave to correct the name of applicant No.10. Correction be carried out during the course of the day.
2. Accused are convicted by the learned Sessions Judge in Sessions Case No.1/2004, for offences punishable under Sections 302, 452, 147, 148, 323 read with 149 of the Indian Penal Code and are sentenced to suffer life imprisonment and fine of Rs.10,000/- each. By this application, applicants pray for suspension of their substantive sentence during the pendency of criminal appeal.
3. Heard learned advocate for applicants, learned APP for respondent/State and learned advocate for informant. Perused the record.
4. After arguing at length, when this Court was not inclined

to grant bail to applicant No.1, learned advocate for applicants, on instructions, seeks permission to withdraw the application of applicant No.1 Shivraj Hanmantrao Patil, with liberty to apply for bail in case of any medical emergency, as he is 81 years of age.

5. Permission granted. Application of applicant No.1 Shivraj Hanmantrao Patil is disposed of as withdrawn, with liberty as prayed for. Applicant No.1 is at liberty to file application for bail if the appeal is not taken up for final hearing within one year.

6. On perusal of impugned judgment and order, notes of evidence of eye witnesses and medical evidence, it is clear that prosecution has alleged assault on deceased Digambar Patil by all thirteen accused persons. In the postmortem report four injuries are seen to have been suffered by the deceased and out of them two are CLW on head and occipital region. The death has occurred due to head injury. The fatal injury as per the prosecution's version is attributed to applicant No.1 Shivraj. It is a matter of record that accused persons i.e. applicant No.2 Deelip, applicant No.4 Shankar, applicant No.6 Sanjay, applicant No.7 Rajendra and applicant No.10 Maruti have suffered injuries in the said incident and their injury certificates are brought on record. Prosecution has not explained injuries suffered by the accused persons.

7. Learned APP and learned advocate for informant, while

strongly opposing the application, have urged that though there was cross-complaint against witnesses in the present matter for causing injuries to the accused persons, fact remains that they are acquitted in the said case and therefore, non-explanation of injuries on the part of accused persons should not be given much weightage.

8. From the evidence of prosecution, *prima facie* it appears that there was free fight between two groups in which both the parties have received injuries. Considering the fact that deceased had suffered two major injuries which are attributed to accused applicant No.1, the over implication of co-accused persons cannot be ruled out, injuries suffered by accused are not explained by the prosecution, the appeal is not likely to be taken up for hearing in near future, we are, therefore, inclined to allow the application of applicant Nos.2 to 12.

9. In the result, application of applicant Nos.2 to 12 is allowed. Substantive sentence of imprisonment passed against applicant No.2 Deelip Shivraj Patil, applicant No.3 Ramrao Bhagwanrao Ujlambe, applicant No.4 Shankar Vitthalrao Patil, applicant No.5 Madhav Rajendra Shinde, applicant No.6 Sanjay Shivraj Patil, applicant No.7 Rajendra Bajirao Shinde, applicant No.8 Vinayak Hanmantrao Patil, applicant No.9 Ratikant Vinayak Patil, applicant No.10 Maroti Daulatrao Biradar, applicant No.11 Vijaykumar Shivraj Patil and applicant No.12 Vitthal Madhavrao Patil,

is hereby suspended. Applicant Nos.2 to 12 be released on executing Personal Bond of Rs.15,000/- each with one surety in the like amount. Applicants shall not indulge in any criminal activity and shall not pressurise the prosecution witnesses.

(MANJUSHA DESHPANDE, J.)

(NITIN B. SURYAWANSHI, J.)