

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL/CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 4131 of 2025
(for suspension)
in
CRIMINAL APPEAL NO. 1083 of 2025**

Dilip Vitthal Bhoir @ Chotam ... Applicant/s
Appellant/s

versus

The State of Maharashtra Respondent/s

**INTERIM APPLICATION NO.4164 OF 2025
(for suspension)
IN
CRIMINAL APPEAL NO.1090 OF 2025**

1. Prabhakar Ramchandra Gavhankar @ Bhajakya ... Applicant/s
2. Prasad Datta Shivde Appellant/s
3. Rajendra Kashinath Thakur
4. Sajjad Shagir Mulla
5. Vijay Rajaram Thakur

versus

The State of Maharashtra ... Respondent/s

**INTERIM APPLICATION NO.4166 OF 2025
(for suspension)
IN
CRIMINAL APPEAL NO.1091 OF 2025**

1. Santosh Waman Salunke ... Applicant/s
2. Vikrant @ Vicky Vishwanath Kudtarkar Appellant/s
3. Vivek Vishwanath Kudtarkar
4. Shishir Shankar Mhatre
5. Hemant Anant Kelkar @ Nanya

versus

The State of Maharashtra Respondent/s

SHUBHADA
SHANKAR
KADAM

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**INTERIM APPLICATION NO.4167 OF 2025
(suspension)**

IN

CRIMINAL APPEAL NO.1092 OF 2025

1. Vikesh Vasant Thakkar	... Applicant/s
2. Bharat Abhimanyu Khalage	Appellant/s
3. Ganesh Ramesh Mhatre	
4. Ganesh Baliram Bhoir	
5. Vikram Waman Salunke	

versus

The State of Maharashtra	 Respondent/s
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**INTERIM APPLICATION NO.4145 OF 2025
(for suspension)**

IN

CRIMINAL APPEAL NO.1088 OF 2025

1. Makarand Ravindra Bhoir	... Applicant/s
2. Jaywant Shyamroa Salunke	Appellant/s
3. Viresh Ramesh Khedekar	
4. Manoj Jagannath Thale	

versus

The State of Maharashtra	 Respondent/s
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Mr. A. S. Mundargi, Senior Advocate along with Mr. Sandeep C. Kekane and Ms.Prabhada Raut along with Mr. Yasir A. Khan i/b. Mr. Akash Kavde, Advocate for the Applicants/Appellants.

Mr. H. J. Dedhia, APP for Respondent No.1-State.

CORAM : R. M. JOSHI, J.

DATE : 19th NOVEMBER, 2025.

P.C. :

1. These applications are for suspension of sentence and

enlargement of the applicants/appellants on bail in connection with judgment and order dated 30th October 2025 passed in Sessions Case No.78 of 2013, whereby the appellants are convicted for the offences punishable under Sections 307, 324 and 323 of the Indian Penal Code, 1860 and sentenced to suffer maximum imprisonment of a year.

2. Learned senior counsel on behalf of all the appellants/applicants drew the attention of the Court to the testimony of Bhushan (PW6) in order to argue that his testimony indicates that prior to the incident in question, another incident occurred wherein dispute and quarrel arose between this witness and other two persons. There was abusing and scuffle also involved in the said incident. Witness No.3- Rupali brought them to the classroom with an intention to resolve the dispute. According to this witness, friends of both sides gathered outside the classroom and there occurred a scuffle between them. He further argues that in the light of these facts, if the injury certificates are perused, then none of the witness/injured had any other injury than the simple injuries. It is also sought to be argued that 25 persons have said to have cause assault on 6 witnesses and non-involvement of any serious injury indicates that offence under Section 307 is not made out. According to him the appeal is not likely to be heard in short period of time and this would result into appeal becoming infructuous if the appellants are not enlarged on bail on suspending the sentence.

3. Learned APP opposed the applications by citing the number of assaults, so also the injuries caused to the injured persons. He drew specific attention of the Court to the injury caused to Vijay-CLW on his head. It is further argued that accused Nos.1, 2 and 17 have antecedents against them and criminal proceedings are pending in the competent Court of Law. On these amongst other submissions, he seeks rejection of the application.

4. There cannot be any dispute made with regard to the fact that in order to attract offence punishable under Section 307 of the IPC, there must be evidence indicating intention of the accused person to kill the injured. Here in this case, as rightly pointed out by learned counsel for the applicants/appellants that if 25 persons are said to have cause assault, there would be number of serious injuries on the person of the injured. Here in this case, prima facie perusal of the record indicates that except for simple injuries, no other injuries are caused in order to infer any intention of the accused to kill any of these witnesses. This fact coupled with the evidence of Bhushan-PW6 proves that number of persons/friends from both sides were present and there was some scuffle between them, this becomes a fit case for enlargement of the appellants on bail by suspending their sentence. Though there are antecedents against some of the appellants, that by itself cannot become a ground to reject the application, once a prima facie case is made out of a reasonable success during the hearing of the appeal for non-attracting Section 307 of the IPC. Hence, the following

order :

O R D E R

1. The applications are allowed.
2. Substantive sentence imposed against the appellants in judgment and order dated 30th October 2025 passed in Sessions Case No.78 of 2013 passed by the Sessions Judge, Raigad-Alibag, stands suspended till the decision of appeals.
3. The appellants be enlarged on bail on furnishing P.R.Bond of Rs.15,000/- each with one solvent surety in the like amount to the satisfaction of the Trial Court.
4. The appellants not to directly or indirectly contact the injured/informant in any manner whatsoever till the decision of the appeal.
5. Any breach of condition, will result in this order being vacated and appellants being required to undergo the sentence.

The interim applications stand disposed of in above terms.

5. It is clarified that above observations are made on prima facie consideration of the material on record and the same shall not bind the parties during the final hearing of the appeals.

(R. M. JOSHI, J.)