



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (APPA) No. 436 of 2025
in
Criminal Appeal No. 244 of 2025

Laxman Narayan Thakare
Versus

The State of Maharashtra through Police Station Officer, Police Station
Washim City, Dist. Washim

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri MN.Ali, Advocate for the applicant.

Ms. H.N.Prabhu, APP for the respondent/State.

CORAM : NIVEDITA P. MEHTA, J.
DATED : 15th DECEMBER, 2025.

The present application is filed by the applicant under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking suspension of sentence and grant of bail pending final disposal of the criminal appeal.

2. The applicant has preferred an appeal challenging the judgment and order of conviction dated 19th April, 2025, passed by the learned Additional Sessions Judge, Washim in Sessions Case No. 55 of 2017. By the said judgment, the applicant has been

convicted for the offence punishable under Section 307 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for a period of ten years and to pay a fine of ₹5,000/-, in default whereof, to further undergo rigorous imprisonment for a period of one month.

3. Learned counsel for the applicant submits that the applicant was on bail during the trial and has not misused the liberty so granted. It is further submitted that there is an arguable case on merits. Learned counsel draws the attention of the Court to the evidence of the Medical Officer (P.W.9) and submits that the injured sustained certain injuries for which he was treated. It is submitted that the injured remained hospitalized for a period of 13 days, i.e., from 04.08.2017 to 17.08.2017. It is further contended that the applicant had no intention to cause the death of the injured and that the incident occurred due to a prior quarrel between the applicant and the injured. Learned counsel further submits that the applicant is 65 years of age, being a senior citizen, and that his continued incarceration would be detrimental considering his advanced age.

4. Per contra, learned Additional Public Prosecutor submits that the applicant assaulted the

injured with the intention to kill him. It is submitted that the applicant followed the auto-rickshaw in which the injured was taking his wife for medical treatment and, when the auto-rickshaw stopped at a closed railway gate, the applicant arrived on a motorcycle, rushed towards the injured, dragged him out of the auto-rickshaw, and inflicted a knife blow on the abdomen of the injured, resulting in grievous injuries. It is further submitted that during the trial, the applicant had taken a plea of mental unfitness, pursuant to which he was referred to a mental hospital. The medical certificate issued by the Hospital mentioned that the applicant is not mentally ill. Learned APP submits that the learned Trial Court has rightly appreciated the evidence and convicted the applicant, and therefore, the present application deserves to be rejected.

5. Upon considering the rival submissions and the material available on record, and having regard to the fact that the applicant was on bail during the trial and has not misused the liberty granted to him, coupled with the fact that the applicant is 65 years of age and that the appeal is not likely to be heard in the immediate future, this Court is of the considered view that a case for suspension of sentence is made out. Accordingly, the

application is allowed on the following terms and conditions.

6. The substantive sentence imposed upon the applicant by the learned Additional Sessions Judge, Washim in Sessions Case No. 55 of 2017, is hereby suspended pending final disposal of the appeal.

The applicant shall be released on bail on the following conditions:

i) The applicant is directed to furnish Cash Security in the sum of ₹50,000/- (Rupees Fifty Thousand only).

ii) The applicant shall not enter village of Kalamba Mahali, Tq and Dist. Washim till the conclusion of the appeal.

iii) The applicant shall report to the nearest police station on every first day of the calender month till the conclusion of the appeal.

iv) The applicant shall furnish his current residential address and mobile number to the concerned Sessions Court and shall inform the Court of any change in address or contact details forthwith.

v) It is clarified that the learned Additional Public Prosecutor and/or the Investigating Officer shall be at liberty to move for cancellation of bail in the event

of breach of any of the aforementioned conditions or for any other sufficient cause.

The criminal application stands disposed of accordingly.

Criminal Appeal No. 244 of 2025.

Heard.

2. ADMIT.

3. Ms. H.N.Prabhu, learned Additional Public Prosecutor, waives service of notice on behalf of the respondent/State.

4. Call record and proceedings.

5. Registry is directed to prepare the paper book at the earliest.

[NIVEDITA P. MEHTA, J.]