IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1565 OF 2026
IN
CRIMINAL APPEAL NO. 273 OF 2026

BAJIRAO @ SUBHASH SAJAN PAWAR

VERSUS

THE STATE OF MAHARASHTRA

...
Advocate for the applicant : Mr. Mukul S. Kulkarni
Public Prosecutor for State : Mr. A. B. Girase
Assist to Public Prosecutor : Sr. Adv. Raajendrraa Deshmukkh
a/w Government Pleader for the State :Mr. A. B. Girase
....

WITH

CRIMINAL APPLICATION NO. 2047 OF 2026
IN
CRIMINAL APPEAL NO. 426 OF 2026

JAYRAJ SHAMKANT PATIL
VERSUS
THE STATE OF MAHARASHTRA

..
Advocate for the petitioner : Mr. B. S. Deshmukh h/f Mr. Chaitali P. Raktate
Public Prosecutor for the State : Mr. A. B. Girase
Assist to Public Prosecutor : Sr. Adv. Raajendrraa Deshmukkh
a/w Adv. Kishit Pandit i/by Adv. Chaitnya Deshpnade
...

WITH

CRIMINAL APPLICATION NO. 1807 OF 2026
IN CRIMINAL APPEAL NO. 335 OF 2026

DARSHAN AMBADAS PARDESHI & OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. M.A. Manav (through V.C.) Adv. Utkarsh Kale h/f Mr. Y. H. Lagad
Assist to Public Prosecutor : Sr. Adv. Raajendrraa Deshmukkh a/w Adv. Kishit Pandit i/by Adv. Chaitnya Deshpande
Government Pleader for the State : Mr. A. B. Girase

....

WITH

CRIMINAL APPLICATION NO. 1873 OF 2026
IN
CRIMINAL APPEAL NO. 348 OF 2026

RUSHIKESH SHAMKANT PATIL
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for the petitioner : Mr. B. S. Deshmukh h/f Adv. Chaitli P. Raktate
Public Prosecutor for Respondent/Stte : Mr. A. B. Girase
Assist to Public Prosecutor : Sr. Advocate Mr. Raajendrraa Deshmukkh a/w Adv. Kishit Pandit i/by Adv. Chaitnya Deshpande

....

CORAM : SANDIPKUMAR C. MORE AND VAISHALI PATIL-JADHAV, JJ.

RESERVED ON : 03.11.2026
PRONOUNCED ON : 19.11.2026

ORDER:-

1. All these Criminal Applications are filed by accused Nos. 1, 4, 6, 7, 10 & 13 in their respective appeals for suspension of their substantive sentences of life imprisonment during the pendency of these appeals and their release on bail.

2. As per the prosecution story, all these applicants along with the other accused, caused brutal murder of one

Raosaheb Patil and his son Vaibhav on account of previous rivalry arising from Balapur Gram Panchayat Election and also on account of one function of “Holi Pole Erecting Programme” on Dandi Pournima dated 31.01.2018. The actual incident of brutal killing took place on 8th June 2018 and prior to that, on the earlier day there was conspiracy among the accused persons about committing the crime.

3. The learned counsel Mr. Mukul Kulkarni for accused No.1 Bajirao vehemently argued that Bajirao was not at all present on the spot of incident at the relevant time and the statement of P.W.9 was recorded much after the incident i.e. on 24.07.2018, who had deposed about the involvement of Bajirao. According to him, Bajirao was released on bail during the trial and considering his age of more than 75 years and period of incarceration around six years, he needs to be released on bail during pendency of this appeal. He placed reliance on the following judgments :

(i) ***Hon'ble Apex Court in Suresh Dattatraya Sonawane Vs. The State of Maharashtra & Another [Criminal Appeal No. 2590 of 2023 daed 25.08.2023].***

(ii) ***Hon'ble Apex Court in Jagatpal Verma Vs. The State of Uttar Pradesh in Criminal Appeal No. 1725 of 2024.***

(iii) ***Order of this Court in Karan namdeo Bankar Vs. The***

State of Maharashtra [Criminal Application No. 3821 of 2025 in Criminal Appeal No. 794 of 2025 dt. 29.09.2026]

(iv) ***Order of this Court in Atul Vaijnath Gitte Vs. The State of Maharashtra [Criminal Application No. 1923 of 2026 in Criminal Appeal No. 372 of 2026 dated 17.07.2026]***

(v) ***Order of this Bench in Deepak Govind Khile Vs. The State of Maharashtra [Criminal Application No. 375 of 2025 in Criminal Appeal No. 1143 of 2023]***

4. The learned counsel Mr. B. S. Deshmukh holding for Adv. Chaitali P. Raktate for accused No.4 Jayraj Shamkant Patil and accused No.6- Rushikesh Shamkant Patil vehemently argued that though there are allegations against these applicants that they were having arms at the time of incident, but no role is ascribed to them. One Shendya, who allegedly present at the time of incident, was also not examined. The prosecution did not explain injuries sustained by accused No.4. According to him, the deceased persons were aggressive and considering the respective ages of these accused of 25 and 19 years, having no criminal antecedents, they can be released on bail, during the pendency of these appeals. He placed reliance on the following judgments :

(i) ***Hon'ble Apex Court in Suresh Dattatraya Sonawane Vs. The State of Maharashtra and Another [Criminal Appeal No. 2590 of 2023 arising out of SLP (Cri.) No. 6719 of 2023 dated 25.08.2023]***

(ii) ***Hon'ble Supreme Court in Lakshmi Singh Vs. State of Bihar 1976 DGLS(SC) 321***

(iii) ***Hon'ble Apex Court in Sharad Shrirang Sawant Vs. The State of Maharashtra [Criminal Appeal No.3171 of 2025 in S.L.P. (Criminal) No. 10947 of 2025***

(iv) ***Hon'le Apex Court in Saudan Singh Vs. The State of Uttar Pradesh [Criminal Appeal No. 308 of 2022]***

(v) ***Hon'ble Apex Court in the case of Ganesh @ Hanumant Dhondiba Nanaware Vs. The State*** of ***Maharashtra [Interim Application No. 1776 of 2022 in Criminal Appeal No. 445of 2021]***

5. On the other hand, the learned counsel Mr. M. A. Manav holding for Mr. Yogesh Lagad for accused No.7 Darshan, accused No. 10 Arjun and accused No.13 Bhushan vehemently argued that the names of these persons are not in F.I.R, but they were disclosed in supplementary statement of the informant, indicating their false implication. Nothing was recovered from these accused and no specific role is ascribed to them. Further according to him, accused Nos. 10 and 13 though were identified in test identification period, but the same was conducted after 67 days of the incident. There was no evidence against these accused about any conspiracy, as claimed by the prosecution. He placed reliance on the judgment of Hon'ble Apex Court in the case of ***Zainul Vs. State of Bihar in Criminal Appeal No. 1187 of 2014 in SLP (Cri) No. 740 of 2014 decided on October 7, 2025***

6. As against this, the learned Government Pleader Mr. A. B. Girase argued that roles of each of these applicants are described by the eye witnesses. Moreover, there were in all seventeen injuries found on the person of deceased Raosaheb including chop and stab wounds. Similarly, there were in all 17 wounds found on the person of deceased Vaibhav including 11 chop wounds on head and neck as well as five stab wounds on chest and abdomen, which were possible by sword, kukari and knife used by accused Nos. 4 and 6. According to him, accused Nos. 7, 10 and 13 were armed with weapons, who did not allow anybody to intervene in the incident. He pointed out that there was ample evidence on record to show as to how all the accused in the crime, hatched conspiracy for committing murder of Raosaheb and his son. Specifically the Call Details Records proved by the evidence of Nodal Officer disclosed that the accused were in touch with each other. He placed reliance on the decision of Hon'ble Apex Court in the case of ***Hanuman Prasad @ Hanuta Ram Vs. State of Rajastha and others in Special Leave Petition (Cri.) No. 19778-19780 of 2026 dated 27.10.2026***

7. The learned Senior Counsel Mr. Rajendra Deshmukh supported the arguments on behalf of learned

Government Pleader and pointed out the exhibited photographs showing the brutality of the assailants, while committing murder of Raosaheb and his son Vaibhav. According to him, as many as 11 accused are convicted with life imprisonment.

8. Admittedly, the photographs on record and injuries sustained by the deceased clearly indicate as to how brutally Raosaheb and Vaibhav were killed with the help of dangerous weapons. Moreover, the respective accused had also produced the weapons used by them during the course of investigation. Additionally, there is evidence of two eye witnesses, who have clearly described the role of all these applicants/accused in the crime. Therefore, on the basis of such reliable evidence, the learned Trial Judge has convicted all these applicants/accused. The eye witnesses and other prosecution witnesses have also deposed indicating as to how on earlier day of incident, a criminal conspiracy was hatched among these applicants for committing murder of deceased persons. The rivalry between the deceased and the accused has also come on record by way of reliable evidence.

9. Though the learned counsel for the accused Bajirao tried to argue that this accused was released on bail during

the trial, but the record shows that, he was granted bail by the Hon'ble Apex Court and that too on the medical ground and considering his age of 75 years. It is extremely important to note that, while on bail, one separate crime was registered against him and his daughter about giving threats to the eye witness of the incident for not to depose against him. He was arrested in that crime and on conviction in this matter he is behind the bars. Therefore, it can be inferred that accused No.1 Bajirao had misused his liberty, which was granted only on humanitarian ground by the Hon'ble Apex Court.

10. Therefore, considering all these aspects and *prima facie* evidence against all these applicants, we are not inclined to release them on bail during the pendency of these appeals by suspending their substantial sentence of imprisonment. Thus, all these application stand rejected and accordingly disposed of.

(VAISHALI JADHAV-PATIL)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE

YSK/