IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3830 OF 2025
IN
CRIMINAL APPEAL No. 754 of 2025

BALAJI SUBHASH RATHOD
VERSUS
THE STATE OF MAHARASHTRA

....
Advocate for the applicant : Mr. Nilesh Ghanekar
A.P.P. for Respondent/State : Mr. A. S. Shinde
...

WITH
CRIMINAL APPLICATION NO. 3278 OF 2025
IN
CRIMINAL APPEAL NO. 613 OF 2025

HARSH TRIYAMBAK CHAVAN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for the applicant : Mr. Satej Jadhav
A.P.P. for Respondent/State : Mr. A. S. Shinde
...

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

RESERVED ON : OCTOBER 14, 2026
PRONOUNCED ON : OCTOBER 15, 2026

ORDER (PER SANDIPKUMAR C. MORE, J.):-

1. Heard rival submissions.

2. By way of these applications, the applicants who are the original accused in Sessions Case No. 24 of 2024, are seeking suspension of their substantive sentences of life imprisonment

awarded under the aforesaid Sessions Case vide judgment dated 31.07.2025, passed by the learned Additional Sessions Judge, Latur during the pendency of these appeals and also their release on bail.

3. As per the prosecution story, the informant i.e. the father of the deceased Pradip lodged a report with Police Station Ausa, Dist. Latur alleging that on 12.11.2023 at 7.15 p.m. his son deceased Pradip was performing Pooja of his motorcycle in front of his house on account of Laxmi Poojan. At the relevant time his daughters-in-law namely Rajashree and Karuna were there. He along with his wife was standing in front of the door. At 7.30 p.m. accused No.1 Balaji and his friend accused No.2 Harsh Chavan came there. Accused No.1 Balaji asked deceased Pradip as to why he was having illicit relations with his wife and then took out a knife from his waist and stabbed the deceased on his abdomen. He gave another blow of the knife on the right hand of deceased Pradip near thumb. At that time accused No.2 Harsh also took out knife and stabbed Pradip into his chest. Pradip sustained bleeding injuries and ran away from the spot of incident to save himself and entered into the house of one Shankar Mansing Rathod. The informant and his wife tried to nab the accused Nos. 1

and 2, however, they jolted them and chased Pradip Rathod in the house of Shankar Rathod. In the said house, accused No.1 Balaji again gave blow of knife to deceased Pradip on his back. Due to commotion, both the accused fled from there. The deceased was taken to Sahyadri Hospital, Latur, but he was declared dead on arrival. Accordingly, crime for the offence punishable under Section 302 read with Section 34 of the IPC was registered against both the applicants and after investigation charge sheet was filed. The learned Trial Judge, after conducting trial, convicted the applicants for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code and sentenced them to suffer rigorous imprisonment for life and to pay fine of Rs. 50,000/- each with default clause.

4. The learned counsel Mr. Ghanekar for the applicant/ accused No.1- Balaji submits that, there are contradictions between the evidence of eye witnesses in respect of the place of assault by the accused. He pointed out that, the offence against present accused No.1 can be diluted to Section 304 of the Indian Penal Code instead of Section 302. According to him, the appeal is not likely to be heard immediately, and therefore, considering the fact that accused is in jail since his

arrest, he can be released on bail after imposing stringent conditions.

5. On the other hand, the learned counsel Mr. Satej Jadhav for applicant/accused No.2 also reiterated the aforesaid submissions made on behalf of accused No.1 and added further that accused No.2 was not having any enmity with the deceased or his family. Moreover, he was residing 30 to 40 Kms. away from the spot of the incident in separate village and there is nothing on record to show that the prosecution witnesses were acquainted with him. According to him, both the knives were in fact recovered at the instance of accused No.1 Balaji. He further submits that, the Investigating Officer had in fact recorded the statement belatedly and involved the applicant Harsh Chavan in the crime as afterthought.

6. As against this, the learned A.P.P. strongly supported the conviction of applicants/accused and submitted that, the eye witnesses have described the incident in detail and their versions remained unshattered, even in searching cross-examinations. The ocular evidence in this matter is well supported by other corroborative evidence, such as detection of human blood on the knives. Moreover, blood stains of blood group 'A' of the deceased was found on the clothes of the

accused. Moreover, there is no plea of alibi on the part of accused No.2 that at the time of incident he was present somewhere else. Thus, he prayed for rejection of both these applications.

7. Admittedly, there is evidence of eye witnesses, which remained consistent even in their cross-examinations. Though the places of body, where the injuries were inflicted by the applicants/accused, are stated differently by P.W.4 and P.W.10, but their presence on the spot was natural and both of them unanimously deposed that both the accused were having knives and they stabbed the deceased. The recovery panch also established the recovery of knives used in the crime. Moreover, the evidence of Dr. Pramod Kalidas Tike i.e. P.W.5 corroborates the versions of eye witnesses by deposing that there were three stab injuries found on the body of the deceased, which were possible by the knives recovered. Additionally, it was established that human blood was also found on those knives. Most importantly, the blood of deceased of blood group 'A' was also detected on the clothes of applicants/accused, showing their proximity with the deceased at the time of incident. Therefore, there is direct evidence against both the applicants, and therefore, we are not

inclined to suspend their substantive sentences of life imprisonment and to release them on bail during the pendency of these appeals. Accordingly, both these applications of applicants/ accused are rejected.

(VAISHALI PATIL-JADHAV)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE

YSK/