2026:BHC-AUG:47685

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3949 OF 2026
IN CRIMINAL APPEAL NO. 796 OF 2026

Subhash Ukhardu Wani
Age 32 years, Occupation Agriculture,
R/o. Dahegaon, Taluka Kannad,
District Aurangabad. … Applicant
[Orig. Accused No.1]

Versus

The State of Maharashtra
Through Police Station Officer,
Police Station, Pishor, District Aurangabad. … Respondent

.....

Mr. Adil Shaikh h/f Mr. R. V. Gore, Advocate for the Applicant.
Mrs. Chaitali Choudhari Kutti, APP for Respondent-State.

.....

CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 08.10.2026
Pronounced on : 09.10.2026

ORDER :

1. Instant application is for suspension of sentence and grant of bail as a result of conviction recorded by learned Additional Sessions Judge-4, Aurangabad dated 11.08.2026 in Sessions Case No. 171 of 2018.

2. Learned counsel pointed out that applicant was tried vide above Sessions Case wherein he was arraigned as accused no.1. That,

though there was charge for offence under Sections 307, 324, 504 and 506 r/w 34 of IPC, applicant is acquitted from offence under Sections 307, 504 and 506 r/w 34 of IPC and conviction is recorded for only offence under Section 324 of IPC. That, incident was a fallout of civil dispute and sudden. He pointed out that imprisonment for two years is inflicted. That, appeal is preferred against said judgment, but it being of 2026, may not be heard earlier. That, as sentence is for fixed years and as applicant has good case on merits in appeal, he urges for suspension of sentence and grant of bail.

3. Learned APP opposed by pointing out that there is use of deadly weapon like axe. Medical expert has noticed and noted grievous injuries and that, on full fledged trial conviction has been recorded.

4. After considering the above submissions and taking into account that the incident was a fallout of civil dispute as well as the statement that FIR is on the basis of hearsay information, and moreover sentence being for fixed period of two years, and also taking account that applicant was on bail during trial, and there being no immediate prospects of hearing the appeal, relief as prayed deserved to be granted. Hence, the following order :

ORDER

I. Criminal Application stands allowed.

II. The substantive sentence imposed on the applicant Subhash Ukhardu Wani in Sessions Case No. 171 of 2028 by the Additional Sessions Judge-4, Aurangabad on 11.08.2026 stands suspended till the final hearing and disposal of Criminal Appeal No. 796 of 2026.

III. The applicant be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with two solvent sureties in the like amount.

IV. The applicant shall not commit any criminal activity.

V. The applicant shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the appeal, commencing from the date he tenders bail papers and thereafter, the trial Judge to fix dates for his subsequent appearances.

VI. In case of two consecutive defaults on the part of the applicant to remain present before the trial court, the trial court to inform this court about the same and in that eventuality, the prosecution would be at liberty to file an application for cancellation of bail granted to the applicant.

VII. Bail before the trial court.

[ABHAY S. WAGHWASE, J.]

vre