2026:BHC-AUG:48182

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4072 OF 2026
IN
CRIMINAL APPEAL NO. 826 OF 2026

Adinath Kadubhau Shinde
Age: 36 years, Occu.: Agri.,
R/o. Kanguni, Tq. Newasa,
District Ahmednagar ... **Applicant**
[Accused]

Versus

The State of Maharashtra
Through Police Inspector,
Shani Shingnapur Police Station,
Taluka Newasa, District Ahmednagar ... **Respondent**

.....

Mr. Tushar C. Shinde, Advocate for the Applicant.

Ms. Chaitali Chaudhari Kutti, APP for the Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 09.10.2026
PRONOUNCED ON : 12.10.2026

ORDER :

1. Instant application is for suspension of sentence awarded in Sessions Case No. 18 of 2021 by learned Additional Sessions Judge, Newasa, District Ahmednagar vide judgment and order dated 03.09.2025 for offence under Section 307 and 326 of the Indian Penal Code [IPC] and equally, prayer is raised for grant of bail also.

2. Learned Counsel for the applicant, a convict, for above relief, would submit that there is total incorrect appreciation of defence case in Trial Court. He pointed out that plea of insanity was put forth. He apprise this Court about prosecution case in Trial Court regarding assault by means of knife, however, according to him, there are several doubts about use of such article. There was possibility of accidental injury suffered by informant, who was a professional photographer. He pointed out that even there is inordinate delay in lodging FIR i.e. of 5 days. He also pointed out that there is doubt regarding the seizure of weapon, as the panch witness, through whom the seizure is shown to have been effected, admitted in his cross-examination that the accused had not handed over any knife. He would submit that, though there are allegations of infliction of injury by means of knife, the medical expert has not noted the measurement and dimension of injury in the medical certificate. Even the remark column of medical certificate has been left blank. He would strenuously submit that, here, in fact, there was no motive. There are also variances in the statements of crucial witnesses. That, moreover, plea of insanity, which was taken, has not been properly considered and appreciated. That, in view of above shortfalls, appeal has been preferred against the impugned judgment and order of conviction. However, the appeal being recent one, may not be heard immediately

and thus, on above grounds, relief of suspension of sentence and grant of bail is urged for.

3. Strongly opposing the above application, learned APP would point out that, on full fledged trial, conviction has been recorded for offence under Section 307 as well as Section 326 of IPC. There was use of deadly weapon like knife. The same is recovered at the instance of accused. According to her, the very aspect of accused carrying weapon in his pocket to the house of injured and, thereafter, calling him outside the house itself shows that he had intention. She pointed out that there is direct eye witness and, therefore, motive is not significant. She also pointed out the evidence of injured informant as well as his father. She pointed out that even after the assault and before parting, accused had issued threats. The doctor has noted grievous injury. She pointed out that though defence witness medical expert psychiatrist is examined, he had not carried IPD papers and therefore, according to her, the learned Trial Court rightly disbelieved the plea of insanity. For above reasons, she opposed the application for suspension of sentence and grant of bail.

4. Heard. Perused the papers. Here, the prosecution case before the Trial Court seems to have rested on seven witnesses. The accused has also adduced the evidence of a defence witness, i.e., DW1, a

psychiatrist. As regards the delay in lodging the FIR, it appears that the incident in question occurred on 28.09.2018 at around 7.30 p.m. As pointed out, the FIR was lodged on 02.10.2018 and, therefore, there is indeed a delay of around 5-6 days in setting the law into motion. There is said to be use of knife and the same is shown to be recovered. It appears that PW4 acted as a panch witness to the memorandum of disclosure and recovery. As pointed out, he seems to have admitted in his cross-examination that the knife was not recovered from the accused. As pointed out, the defence of the accused before the Trial Court was that the informant had sustained injury during a scuffle while he himself was holding scissor in his hands. In that context, the medical expert, PW5, appears to have been examined. As submitted, in paragraph No.6, the medical expert has also admitted that the injury found on the patient is possible by any sharp weapon like cutter or scissor.

5. Apart from the above, plea of insanity seems to have been raised, which the Trial Court does not seems to have accepted. In support of such plea, accused had adduced evidence of DW1, a psychiatrist, and his evidence is at Exhibit-105. He has testified that, accused was his patient and suffering from manic episodes with psychotic features. He also seems to have deposed that person with

such features is incapable of comprehending the nature of act done by him. However, learned Trial Court does not seem to have accepted his evidence to extend benefit of insanity. Therefore, there is arguable case to be dealt in appeal. However, as the appeal may not be heard in the immediate near future, for the reasons discussed above, the relief as prayed for deserves to be granted. Hence, I proceed to pass the following order:

ORDER

I. Criminal Application stands allowed.

II. The substantive sentence imposed on the applicant Adinath Kadubhau Shinde in Sessions Case No. 18 of 2021 by the learned Additional Sessions Judge, Newasa, District Ahmednagar vide judgment and order dated 03.09.2025, stands suspended till the final hearing and disposal of Criminal Appeal No.826 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.]

scm