2026:BHC-AUG:51662

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4292 OF 2026
IN
CRIMINAL APPEAL NO. 744 OF 2026

1. Kamlesh Mohan Chavan
Age: 24 years, Occu.: Labour,
R/o. Nisarg Colony, Pethe Nagar,
Bhavsingpura, Chh. Sambhajinagar.

2. Aniket Avinash Salve
Age: 22 years, Occu.: Student,
R/o. Nisarg Colony, Pethe Nagar,
Bhavsingpura, Chh. Sambhajinagar **… Applicants**

Versus

. The State of Maharashtra
Through Police Station Officer,
Cantonment Police Station,
Chh. Sambhajinagar **… Respondent**

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Mr. Shaikh Mazhar A. Jahagirdar, Advocate for the Applicants.
Mr. V. V. Jahagirdar, APP for the Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 23.10.2026
PRONOUNCED ON : 26.10.2026

ORDER :

. The present application seeks suspension of sentence awarded to the applicants in Sessions Case No.218 of 2025 by the learned Additional Sessions Judge, Aurangabad vide judgment and order dated 03.08.2026, thereby convicting the applicants for the offence punishable under Section 109 read w in Sessions Case No.218 of

2025 by the learned Additional Sessions Judge, Aurangabad vide judgment and order dated 03.08.2026 with Section 3(5) of the Bharatiya Nyaya Sanhita [BNS]. The applicants have also prayed for their release on bail.

2. It is pointed out that applicants are awarded sentence of five years and fine amount is already paid. Learned Counsel for the applicants took this Court through the papers and would submit that there was no hospitalization. That, moreover, injured account is not worthy of credence. That, in cross-examination of PW7, it was admitted that there was no enmity. That, though there are allegations of inflicting knife blow on the head, in medical certificate, the nature of injury is described as simple and caused due to hard and blunt object. Other injuries are on extremities like arm and fingers. That, very wife of the informant/injured did not support the prosecution. Still there is conviction and the same is under challenge, but as the appeal is of the year 2026, the same may not be heard earlier and for such reasons, relief of suspension of sentence is urged for.

3. Learned APP opposed the application on the ground that injured/informant has suffered three injures including one on the head. There is recovery of knife at the instance of applicant No.1. That, there is utterance of doing to death and therefore, intention is

clear. That, on complete appreciation, learned trial Court has convicted the applicants and, therefore, according to him, it is not a fit case to grant relief, as there is possibility of misuse of liberty.

4. Perused the papers. As pointed out, the injury certificate records three injuries, two of which are on the forearm and fingers, respectively, while the injury on the occipital region is attributed to a hard and blunt object. There is also history of fall. Therefore, injury to head cannot be ruled out in such circumstances. As pointed out, in cross-examination, PW7 injured has admitted that there was no previous enmity between injured and accused. Further, as pointed out, very wife of injured does not seem to have supported prosecution as she claims that her husband did not provide the names of assailants. Therefore, indeed there are grounds to be dealt in appeal, but as appeal is of the year 2026 same may not be heard earlier. Taking the above discussion into account, relief as prayed deserves to be granted. Hence, I proceed to pass the following order:

ORDER

I. Criminal Application stands allowed.

II. The substantive sentences imposed on the applicants viz., (1) Kamlesh Mohan Chavan and (2) Aniket Avinash Salve in Sessions Case No.218 of 2025 by the learned Additional Sessions Judge, Aurangabad vide judgment and order

dated 03.08.2026, stand suspended till the final hearing and disposal of Criminal Appeal No. 744 of 2026.

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

IV. The applicants shall not indulge in any criminal activity.

V. The applicants shall remain present before the learned trial Judge once in six months, till the final hearing and disposal of the appeals, commencing from the date they tender their bail papers, and thereafter, the learned trial Judge shall fix dates for their subsequent appearances.

VI. In case of two consecutive defaults on the part of the applicants in remaining present before the trial court, the trial court shall inform this Court about the same, and in that eventuality, the prosecution shall be at liberty to file applications for cancellation of the bail granted to the applicants.

VII. Bail before the trial court.

[ABHAY S. WAGHWASE, J.]

scm