2026:BHC-AUG:53333

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4447 OF 2026
IN
CRIMINAL APPEAL NO. 899 OF 2026

1. Arun s/o Keshavrao Jadhav
Age: 71 years, Occu.: Agriculture,
R/o. Methi, Tal. Ahmedpur,
District Latur.

2. Balaji s/o Arun Jadhav
Age: 30 years, Occu.: Agriculture,
R/o. Methi, Tal. Ahmedpur,
District Latur. **… Applicants**
[Accused Nos.1 and 3]

Versus

. The State of Maharashtra
Through its Secretary,
Home Department,
Mantralaya, Mumbai-32. **… Respondent**

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Mr. Nitin S. Bhagiratha Kadarale, Advocate for the Applicants.
Ms. Chaitali Chaudhari Kutti, APP for the Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 30.10.2026
PRONOUNCED ON : 31.10.2026

ORDER :

1. The present application seeks suspension of sentence awarded to the applicant in Sessions Case No. 76 of 2019 by the learned Additional Sessions Judge, Latur, vide judgment and order dated 31.08.2026, thereby convicting the applicants of the offence

punishable under Section 324, 323 read with Section 34 of the Indian Penal Code [IPC]. The applicants have also prayed for their release on bail.

2. Learned Counsel for the applicants pointed out that there is false implication in the backdrop of land dispute, of which there is civil litigation. There are allegations that on 26.07.2017, there was assault by means of sickle and stick on the head of the informant and on the hand of his son. However, according to learned Counsel for the applicants, medical evidence does not support possibility of use of such article. That, moreover, sickle is not seized and mere stick is seized. That, even medical certificate is silent on the point of head injury. That, though there was no convincing evidence, the learned trial Court was pleased to convict the applicants for the aforesaid offences on the ground that the injuries were grievous, though they were admitted to be simple in nature. He further pointed out that, in the counter-case registered against the informant in the present case, there was also a conviction, and this Court was pleased to grant the relief of suspension of sentence and bail. Learned Counsel for the applicants has tendered a copy of the order dated 16.10.2026 passed by this Court in Criminal Application No. 3996 of 2026.

3. Learned APP, who resisted the above application, pointed out that there is eye witness account and injured witness account supported by the medical evidence. Learned APP on court query fairly submitted that sickle is not seized, but mere stick is recovered.

4. After giving thoughtful consideration to the aforesaid submissions and the evidence on record, it appears that there are counter cases. That, there are allegations of use of stick and sickle. There is no recovery of sickle, rather there is recovery of only stick. Conviction is for offence under Sections 324, 323 read with Section 34 of IPC. The injury certificates of Govind and Venkatesh show that all injuries are simple in nature. In the counter case, this Court has granted relief of suspension of sentence and therefore, for all such reasons, relief as prayed 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 applicants, namely, (1) **Arun s/o Keshavrao Jadhav** and (2) **Balaji s/o Arun Jadhav,** in Sessions Case No.76 of 2019 by the learned Additional Sessions Judge, Latur, vide judgment and order dated 31.08.2026, stands suspended till the

final hearing and disposal of Criminal Appeal No.899 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