IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4492 OF 2026
IN CRIMINAL APPEAL NO. 907 OF 2026

1. Nanasaheb s/o Rajaram Pachpute
Age 35 years, Occupation Labour,
R/o. : Santwadi Shivar, Kashti,
Taluka Shrigonda, District Ahmednagar.

2. Dipak s/o Ashok Pachpute,
Age : 21 years, Occupation Labour,
R/o. : Santwadi Shivar, Kashti,
Taluka Shrigonda, District Ahmednagar

3. Datta s/o Govind Pachpute,
Age : 28 years, Occupation Labour,
R/o. : Santwadi Shivar, Kashti,
Taluka Shrigonda, District Ahmednagar … Applicants

Versus

The State of Maharashtra
Through Investigating Officer,
Shrigonda Police Station,
District Ahmednagar. … Respondent

WITH
CRIMINAL APPLICATION NO. 4635 OF 2026
IN CRIMINAL APPLICATION NO. 4492 OF 2026
IN CRIMINAL APPEAL NO. 907 OF 2026

1. Ankush w/o Bapurao Khore
Age : 73 Years, Occupation Nil,
R/o. : Kashti, Shrigonda,
Taluka Shrigonda, District Ahilyanagar.

2. Pandurang s/o Ankush Khore
Age : 37 Years, Occupation Agriculture,
R/o. : Kashti, Shrigonda,
Taluka Shrigonda, District Ahilyanagar. … Applicants

[Applicant no.1 Ori. informant &
Applicant no.2 Ori. injured]

Versus

1. The State of Maharashtra
Through the Officer-in-Charge,
Shrigonda Police Station,
Taluka Shrigonda, District Ahilyanagar.

2. Nanasaheb s/o Rajaram Pachpute
Age 35 years, Occupation Labour,
R/o. : Santwadi Shivar, Kashti,
Taluka Shrigonda, District Ahmednagar.

3. Dipak s/o Ashok Pachpute,
Age : 21 years, Occupation Labour,
R/o. : Santwadi Shivar, Kashti,
Taluka Shrigonda, District Ahmednagar.

4. Datta s/o Govind Pachpute,
Age : 28 years, Occupation Labour,
R/o. : Santwadi Shivar, Kashti,
Taluka Shrigonda, District Ahmednagar. … Respondents

[R 2 to 4 original Accused No.2 to 4]

.....

Mr. Nilesh S. Ghanekar, Advocate for the Applicants in Criminal Application No. 4492 of 2026 and Respondent Nos. 2 to 4 in Criminal Application No. 4635 of 2026.

Mr. Rajendrraa Deshmukh, Senior Advocate i/by Mr. Hashmi Ubaid S. Advocate for Applicants in Criminal Application No. 4635 of 2026.

Mr. G. O. Wattamwar, APP for Respondent State in both Applications.

.....

CORAM : ABHAY S. WAGHWASE, J.
Reserved on : 31.10.2026
Pronounced on : 02.11.2026

ORDER :

1. Criminal Application No. 4492 of 2026 is for suspension of substantive sentence and grant of bail as a result of judgment and

order of conviction dated 23.10.2026 rendered by learned Additional Sessions Judge, Shrigonda in Sessions Case No. 177 of 2019 convicting applicants and one Ashok (who is not applicant before the Court) for offence under Sections 307 r/w 34 and 506 r/w 34 of IPC. In addition, said Ashok (who is not applicant before the Court) alone is convicted for offence punishable under Section 201 of IPC.

Whereas, Criminal Application No. 4635 of 2026 is at the instance of original informant and injured respectively, thereby seeking permission to intervene and assist the learned APP during the hearing of Criminal Application No. 4492 of 2026.

2. For the reasons mentioned in Criminal Application No. 4635 of 2026, the applicants, i.e. original informant and injured respectively, are permitted to Assist learned APP. **Criminal Application No. 4635 of 2026 is accordingly disposed off**.

3. Learned counsel for the applicants-accused pointed out that, learned trial court was pleased to convict applicants for above charges and sentence awarded is, imprisonment for seven years and two years respectively. That, applicants were on bail during trial. He would further point out that, there is false implication. That, so far as

present applicants are concerned, only allegation against them is of kicks and fist blows. Allegation against non applicant Ashok is of use of sword, but admittedly, blunt side of the axe was allegedly put to use. That, the occurrence is the outcome of dispute over laying pipeline. He would submit that, present applicants-accused nos. 3 and 4 were beneficiaries of anticipatory bail and they have set up a plea of *alibi* but the same has not been considered by learned trial court while rendering the judgment of conviction. He pointed out that, applicant Nanasaheb was not present when the initial quarrel took place. He further pointed out that, in fact, very informant in his cross has admitted that there was no previous dispute or enmity and rather, relations were cordial. Now, judgment and order of conviction is taken exception to by filing above appeal, but as it may not be heard in near future, he prays for relief of suspension of sentence and grant of bail.

4. Learned senior counsel Mr. Deshmukh. on behalf of the informant, put up strong resistance to the application and relief. According to him, there is use of sword. That, had informant father not caused timely intervention, injured PW2 would have met fatal results. He pointed out that, there are continuous threats to kill. He pointed out that, even informant and his injured son are present in

the court and that they are continuously living under fear and therefore, he urges to pass appropriate order if at all this Court is inclined to allow the relief of suspension of sentence and grant of bail.

5. Learned APP also opposed by pointing out that, there is conviction by invoking common intention i.e. Section 34 of IPC. There is use of deadly weapon which accused no.1 was already armed with, and present applicants were in his company and they had shared common intention. That, there is evidence of eye witness father as well as injured son and the same is finding support from medical evidence and on such count, relief of suspension of sentence and bail is sought to be refused.

6. Heard. Perused the papers. It seems that trial was conducted against four accused persons who were chargesheeted for offence under Sections 307, 201, 504, 506 r/w 34 of IPC and Section 4 r/w 25 of the Arms Act. There is no dispute that, applicants and non applicant Ashok finally stood convicted by learned Additional Sessions Judge by judgment and order dated 23.10.2026 which is challenged by filing appeal, and during pendency of the appeal, present application for suspension of substantive sentence and grant of bail is urged for.

7. Primary ground pressed into service is that, applicants were on bail during trial. Even on full fledged trial, they are convicted for offence under Section 307 by applying Section 34 of IPC. As pointed out, on going through the statement of informant as well as injured, as regards to present applicants are concerned, there is allegation of giving kicks and fist blows to the injured. Allegation of use of sword is attributed to Ashok and he is not before this Court. Taking the nature of allegations into account and as appeal may not be heard earlier, relief as prayed deserves to be granted. However, serious apprehension is expressed by informant and his son, who are present in the Court, about misuse of liberty by threatening them. Therefore, as a precaution, it would be appropriate to pass necessary directions apart from granting relief. Hence, the following order :

ORDER

I. Criminal Application stands allowed.

II. The substantive sentence imposed on the applicants Nanasaheb s/o Rajaram Pachpute, Dipak s/o Ashok Pachpute and Datta s/o Govind Pachpute in Sessions Case No. 177 of 2019 by the Additional Sessions Judge, Shrigonda on 23.10.2026 stands suspended till the final hearing and disposal of Criminal Appeal No. 907 of 2026.

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

IV. The applicants shall note that they shall not commit any criminal activity and shall not indulge in any act which is prejudicial to the complainant and injured, or else, on making case to that extent, relief of suspension of substantive sentence granted by this Court will stand withdrawn.

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

VI. In case of two consecutive defaults on the part of the applicants 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 applicants.

VII. Bail before the trial court.

[ABHAY S. WAGHWASE, J.]

vre