



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4538 OF 2025
IN CRIMINAL APPEAL NO. 885 OF 2025

Rajendra Kashinath Deshmukh

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. D.S. Bansude, Advocate for applicant

Mrs. M.N. Ghanekar, A.P.P. for respondent - State

....

CORAM : RAJNISH R. VYAS, J.

DATE : 27th JANUARY, 2026

PER COURT :

. This is an application for grant of bail and suspension of sentence. The applicant / Accused No.1 was convicted for commission of offence punishable under Section 307 of the Indian Penal Code vide judgment and order dated 11th November, 2025 by the Additional Session Judge, Omerga in Sessions Case No. 7 of 2015. He was directed to suffer rigorous imprisonment for five year and to pay fine of Rs.2,000/- with default sentence. Accused No.2 / Balaji Shivanappa Holdure was acquitted by the trial Court.

2. On the day of the incident, a quarrel took place between the applicant and PW 1 / Mohiyoddin Mujawar, who was the victim. The applicant fired in air. The offence under Section 307 of the Indian Penal Code, though not injury based offence, still whether there is intention or knowledge will be decided at the time of final hearing of the appeal.

3. Learned counsel for the applicant submitted that all throughout the trial, the applicant was on bail and he did not misuse the liberty. He has also deposited the fine amount.

4. Per contra, learned A.P.P. submitted that the manner in which the offence took place, clearly shows that there was intention on the part of the applicant to commit the offence.

5. I have gone through the record of the case. The sentence imposed upon the applicant is of short term. In the incident nobody was injured. The applicant was on bail all throughout the trial. Considering the fact that evidence of PW 1 will have to be tested in order to see whether Section 307 of the I.P.C. is proved by prosecution or not, I am inclined to allow the application. Hence, the following order :-

ORDER

- (I) Criminal application is allowed.
- (II) The sentence imposed upon the applicant by Additional Sessions Judge, Omerga in Sessions Case No. 7 of 2015 vide judgment and order dated 11th November, 2025 shall stand suspended till final decision of the appeal.
- (III) The applicant be released on bail on the same terms and conditions as were imposed by the trial Court.

(RAJNISH R. VYAS, J.)