



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**902 CRIMINAL APPLICATION NO. 63 OF 2026
IN APEAL/7/2026**

VYANKAT SHIVAJI SHINDE AND ANOTHER
.....Applicants

VERSUS

THE STATE OF MAHARASHTRA
.....Respondent

**WITH
CRIMINAL APPEAL NO. 7 OF 2026**

Mr. Dhanraj S. Ingole, Advocate for the applicants
Mr. V. S. Badakh, APP for the respondents/State

CORAM : RAJNISH R. VYAS, J.

DATE : 08th JANUARY, 2026

PER COURT :

1. The present application is preferred by the applicants who were original accused Nos. 1 and 2 for grant of bail and suspension of sentence. The accused Nos. 1 and 2/ present applicants were convicted by the learned Additional Sessions Judge, Latur on 23-12-2025. The accused No.1 Vyankat was convicted for the commission of offence punishable under Section 326 of the IPC and directed to suffer rigorous imprisonment for three years and to pay fine of Rs.5000/- in default he was directed to undergo rigorous imprisonment for six months.

2. So far as accused No. 2-Maya is concerned she was convicted for the commission of the offence punishable under Section 323 of the IPC and directed to suffer rigorous imprisonment for one year and to pay fine of Rs.3000/- and in default she was directed to undergo rigorous imprisonment for three months.

3. The learned advocate for the applicants submits that the accused No.1-Vyankt was arrested on 16-01-2024 and is behind the bar as an under trial prisoner. So far as the applicant No.2-Maya is concerned she was arrested on 17-01-2024 and was behind the bar, after which she was released on bail on 31-01-2024. The applicant No. 2-Maya has not misused the liberty and cooperated for early completion of trial.

4. So far as the applicant No.1-Vyankt is concerned, the learned advocate for the applicants submits that Vyankat has already undergone the period of two years of sentence imposed upon him. He further submits that fine amount would be deposited by them within two weeks from today. His statement is accepted.

5. Be that as it may, in short, it was the case of the prosecution that on 18-06-2023 at about 08.30 pm the informant was chitchating with accused Vyankat in front of the house. When the accused Vyankat talked indecently about deceased Sister, the informant reprimanded the accused not to talk about deceased sister.

This resulted into exchange of words and assault. At that time according to the case of the prosecution the applicant No. 2- Maya thrashed stone to abdomen of victim and the applicant No.1 Vyankat stabbed with a knife into the abdomen, back and buttock of the informant due to which he sustained injuries. The injuries sustained by the victim of crime are mentioned in the judgment more particularly at Page No. 22. Four injuries mentioned in medico-legal certificate vide Exh.78 i.e. incised wound right into back of abdomen in size 5x3x2 cm., other were contused lacerated wound. It was pointed out to the court that though the applicants were tried for the commission of the offences punishable under Sections 307, 324, 504 read with section 34 ultimately the charge was diluted by convicting the applicant No. 1 for the commission of offence punishable under Section 326 of the IPC.

6. It is pertinent to mention here that during the course of the trial the star witness i.e. victim has turned hostile.

7. Since the sentence imposed upon the applicants is of fixed term and he has already undergone the imprisonment for more than two years I am inclined to allow the application. It is not even the case of the prosecution that he has in any manner threatened witnesses or has protracted the trial unnecessarily. Accordingly, the application is allowed. The sentence imposed by the Additional

Sessions Judge, Latur in Sessions Case No. 78/2024 so far as convicting the applicant Vyankat for the commission of the offences punishable under section 326 and the applicant No.2 Maya for the commission of offence punishable under section 323 stands suspended till the final decision on the appeal. The accused/applicants be released on bail on same terms as were imposed by the trial court.

8. Accordingly, the application for suspension of sentence is disposed of.

[RAJNISH R. VYAS, J.]

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