



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

**CRIMINAL APPLICATION NO. 748 OF 2026
IN APPEAL/150/2024**

Bhagaji s/o Ganpat Katkar
Age: 71 years, Occu.: Nil,
R/o. : Khamgaon, Tq.Fulambri,
Dist.Aurangabad.

..Applicant

Versus

State of Maharashtra
Through Police Inspector,
Wadod Bajar Police Station,
Tq.Fulambri, Dist.Aurangabad.
and Another

..Respondents

...
Advocate for Applicant : Mr.Raju Chavan h/f.
Mr. Sopan Paruba Bhadge
APP for Respondent no.1 : Mr.PP. Dawalkar
Advocate for Respondent no.2 : Mr.Ashutosh C.Sisodiya
.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 30 MARCH, 2026

PRONOUNCED ON : 01 APRIL, 2026

ORDER :-

1. Present application is for suspension of sentence and grant of bail on medical grounds.
2. Learned counsel for applicant would point out that applicant was tried by learned Special Judge (POCSO), Aurangabad vide

Special Case (POCSO) No.421 of 2021, and held him guilty for offence under Sections 452, 376(2) and 506 of the Indian Penal Code (IPC) vide judgment and order dated 05-01-2024.

3. Learned counsel for applicant pointed out that present applicant was arraigned as accused no.2 in above Sessions case. That, he is 71 years of age. That, moreover, he is blind and while undergoing sentence, he suffered paralysis and his partial body is affected. That, there are medical record and papers to that extent. Therefore, precisely on above medical ground, sentence is sought to be suspended. Learned counsel also tried to put-forth that applicant has a good case on merit.

4. Learned APP and learned counsel for respondent no.2/victim have both strongly opposed application by pointing out that, present application is third attempt to seek suspension of sentence. That, previous attempts are turned down. It is pointed out that, crime on a victim of age 14 years is proved to be committed. As regards medical grounds are concerned, it is pointed out that, there is mere vision problem, which could be attributed to age and there is no blindness as claimed. Learned APP pointed out that, regarding health ailment

i.e. paralysis, there is facility in Government Hospital. For above reasons, application is sought to be rejected.

5. After considering above submissions and on going through record, it appears that applicant, who was arraigned as accused no.2, was tried vide Special Case (POCSO) No..421 of 2021 for offence under Sections 452, 376(2) and 506 of the IPC. That, for offence under Section 376(2) of the IPC, learned trial court has awarded sentence of 10 years and to pay fine and for remaining offences sentence awarded is one year and six months respectively.

Present application is primarily on medical ground. Medical papers placed on record show that Jail Authorities issued Prisoner Medical Report dated 10-03-2026 wherein age of victim is shown as 71 years and there are complaints of vision loss, weakness, giddiness and tingling sensation. Opinion of Medical Officer is that health is stable and current condition is moderate and the prisoner need help to do his daily work due to vision problem. Medical papers issued by Government Medical College, Aurangbaad dated 17-02-2026 are also placed on record wherein two complaints are made about giddiness and tingling sensation to both the limbs.

Record shows that, this Court firstly on 23-07-2024 rejected

the application. Second attempt also went futile and there is order of this Court dated 16-01-2026 rejecting the application holding that appeal is to be expedited. Therefore, apparently present application is third attempt.

Taking the nature of accusations in account and as previous applications are rejected, there is no merit in the present application. However, if the applicant is desirous of early hearing of the matter, the appeal can be fixed for early hearing.

ORDER

Criminal Application is rejected.

(ABHAY S. WAGHWASE)
JUDGE