



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 755 OF 2026
IN CRIMINAL APPEAL NO. 132 OF 2026

1. Ganesh Rangnath Dandge
 2. Shivram Rangnath Dandge
 3. Kautik Ranoba Dandge
 4. Pradip Suresh Dandge
 5. Sandip Ganesh Dandge
 6. Yogesh Ganesh Dandge
 7. Pravin Suresh Dandge
- ... Applicants

Versus

The State of Maharashtra

... Respondent

.....
Mr.Satej Jadhav, Mr.Rohit Patwardhan, Advocates for the Applicants.
Mr. V. M. Jaware, APP for the Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 17.03.2026

Pronounced on : 18.03.2026

ORDER :

1. Instant application is for suspension of sentence and grant of bail as result of conviction recorded by learned Additions Sessions Judge, Chhatrapati Sambhajnagar in Sessions Case No. 67 of 2017 convicting applicants for offence under Sections 307, 143, 147, 452, 323 r/w 149 of IPC.

2. Learned counsel submitted that applicants were tried vide above Sessions Case and finally they stood convicted by above judgment, against which appeal is preferred and the same is pending

herein. He pointed out that, conviction recorded is for five years, however, there is a good case in appeal and further, bright chances of succeeding in the same. He pointed out that, there are allegations of forceful administration of insecticide. That, there is already civil dispute over land. According to him, there is no medical evidence, as neither peritoneal wash nor vomit is collected during investigation. That, there is no supportive medical evidence to show that there was danger to the life of informant. According to him, thus, primary and fundamental requirements for attracting Section 307 are patently missing. He further submitted that, even so called tin container of insecticide is allegedly recovered from the Krishi Seva Kendra where such insecticide are sold across the counter. He further pointed out that, even said recovery is after two days of the incident. Therefore, according to him, there are several points on merit in appeal against the judgment and order of conviction.

3. It is his further case that sentence awarded is of five years and appeal being recent one, there are no immediate prospects of hearing the appeal, and for such reasons, he urges for suspension of sentence.

4. Above application is opposed by learned APP on the ground that on full fledged trial, that too on the testimony of as many as nine

witnesses, conviction has been recorded. That, it is a serious offence of attempt to commit murder. He pointed out that, there is convincing and trustworthy evidence of prosecution witnesses, more particularly of PW1 and PW2.

5. Bearing in mind the legal position while dealing with application for suspension of sentence during pendency of appeal, here, it is seen that conviction is for Section 307 and other penal sections. However, it is pointed out that, there was no sound foundation to arrive to said conclusion and he took this Court through the observations of trial court in paragraphs 28 and 29 of the impugned judgment.

6. Considering the submissions made by learned counsel that the so called tin container was seized after two days, that too from a place where such products are sold, and as pointed out, there are other points like non-availability of supportive medical evidence substantiating the charge of attempting to commit murder, and also taking into account the appeal against conviction to be of current year and there are no chances of hearing the appeal in near future, application deserves to be granted. Hence, the following order :

ORDER

- I. The Criminal Application is allowed.
- II. The substantive sentence imposed on the applicants in Sessions Case No. 67 of 2017 by the Additional Sessions Judge, Chhatrapati Sambhajnagar on 03.02.2026 stands suspended till the final hearing and disposal of Criminal Appeal No. 132 of 2026.
- III. The applicants be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand only) each with two solvent sureties in the like amount by each.
- IV. The applicants shall not commit any criminal activity.
- V. The applicants shall remain present before the learned trial Judge once in six months, 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.]