



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**CRIMINAL APPLICATION NO. 1245 OF 2026**  
**IN CRIMINAL APPEAL NO. 225 OF 2026**

1. Kiran Suresh Gaikwad,  
Age – 38 years, Occu. - Labourer,
2. Rahul Suresh Gaikwad,  
Age – 35 years, Occu. - Labourer,
3. Nilesh Suresh Gaikwad,  
Age – 27 years, Occu. - Labourer,
4. Rani Suresh Gaikwad,  
Age – 30 years, Occu. - Labourer,

All r/o – Siddharth Nagar,  
Chitod Road, Dhule.

... Applicants

Versus

The State of Maharashtra  
Through Dhule City Police Station,  
Dhule, District Dhule.

... Respondent

.....

Mr. Amit S. Savale, Advocate for the Applicants.  
Mr. V. M. Jaware, APP for Respondent-State.

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**CORAM : ABHAY S. WAGHWASE, J.**

Reserved on : 10.04.2026

Pronounced on : 15.04.2026

**ORDER :**

1. Present application is for suspension of sentence in consequence to conviction recorded by learned Sessions Judge, Dhule in Sessions Case No. 66 of 2017 for offence under Sections 307, 323, 324, 452, 504, 506, 143, 147, 148, 149 of IPC, Sections 4, 25 of the

Arms Act and Sections 37(1)(2) r/w 135 of Bombay Police Act, respectively

2. Learned counsel submitted that present applicants faced trial vide Sessions Case No. 66 of 2017 for above offences and judgment came to be rendered on 23.03.2026 recording conviction. It is submitted that after registration of crime, accused Kiran Suresh Gaikwad, Rahul Suresh Gaikwad, Nilesh Suresh Gaikwad were granted regular bail by the trial court. That, applicant Rani Suresh Gaikwad was beneficiary of anticipatory bail during trial. He pointed out that, there are allegations against Kiran for pouring petrol, but there is no evidence to that extent. That, though there are allegations against Nilesh for assaulting by means of sword, there is no injury to that effect. That, there is only injury on account of overt act of Rahul, that too a CLW injury. He pointed out that as against applicant Rani is concerned, specific overt act and role is not crystallized. That, all these applicants have preferred appeal before this Court which is recent one and they have good case on merits. That, appeal being of the year 2026, there are no immediate prospects of hearing the same. It is further pointed out that, conviction of applicant Kiran, Nilesh and Rani is for commission of offence under Sections 452 of IPC which is an offence for committing trespass, however he pointed out that

prosecution evidence itself shows that occurrence has taken place outside the house and therefore, charge as well as conviction for offence under Section 452 IPC is misplaced and misdirected. for all above reasons, relief of suspension of sentence us urged for.

3. Learned APP would strongly oppose by pointing that, on full-fledged trial and on complete appreciation of evidence, guilt has been recorded. He pointed out that, offence of attempt to commit murder has been proved to be committed. That, apart from use of petrol for igniting, it is shown that there is use of deadly articles like sword and gupti. Had injured not received timely medical aid, it would have turned out to be fatal and therefore, serious offence being proved to have been committed, learned APP strongly opposes the relief of suspension of sentence and grant of bail.

4. Heard both sides. Perused the papers and FIR. It is revealed that, applicants are tried vide Sessions Case No. 66 of 2017 by the learned Sessions Judge, Dhule and vide judgment and order dated 23.03.2026, accused no.2 Kiran, accused no.5 Nilesh and accused no.7 Rani have been convicted for offences punishable under Sections 452, 504, 506 r/w 149, 143, 147 of IPC and Section 37(1)(3) r/w 135(i)(iii) of the Bombay Police Act. Whereas, accused no.4 Rahul, in

addition to all above offences, has also been convicted for offence under Sections 307, 324, 323 r/w 149, 148 of IPC and Section 4 r/w 25(1-B)(b) of the Arms Act.

5. Therefore, here, apparently, applicant Rani is a lady and role attributed to her is regarding use of piece of tile but as pointed out, where it was hit, is not specifically stayed. However, there are allegations against rest of the applicants, i.e. applicant Kiran for pouring petrol, whereas against Nilesh there are allegations of use of sword and as regards to accused Rahul is concerned, he was armed with gupti. Therefore, these three applicants have *prima facie* made their intention explicit. Consequently, only applicant Rani deserves the relief. Hence, following order :

#### **ORDER**

- I. Application of applicant nos. 1, 2 and 3 is dismissed.
- II. Application of applicant no.4 Rani Suresh Gaikwad (accused no.4) is allowed.
- III. The substantive sentence imposed on applicant no.4 Rani Suresh Gaikwad (accused no.4) in Sessions Case No. 66 of 2017 by the Sessions Judge, Dhule on 23.03.2026 stands suspended only to her extent till the final hearing and disposal of Criminal Appeal No. 225 of 2026.

- IV. The applicant Rani Suresh Gaikwad be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with two solvent sureties in the like amount.
- V. The applicant Rani Suresh Gaikwad shall not commit any criminal activity.
- VI. The applicant shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the appeal, commencing from the date she tenders bail papers and thereafter, the trial Judge to fix dates for her subsequent appearances.
- VII. In case of two consecutive defaults on the part of the applicant 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 her.
- VIII. Bail before the trial court.

**[ABHAY S. WAGHWASE, J.]**