



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

**909 CRIMINAL APPLICATION NO. 1416 OF 2026
IN APEAL/869/2025**

**SURESH DILIP JADHAV
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. Salunke Sudarshan J.
APP for Respondents/State : Mrs. R.P Gour
Sr. Advocate for Respondents : Mr. N.B. Khandare i/b. Patil Dhananjay S.

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**CORAM : NITIN B. SURYAWANSHI &
VAISHALI PATIL JADHAV, JJ.**

DATE : 7th May, 2026

PC. :-

1. By this application, the applicant seeks bail during the pendency of appeal. The applicant is convicted by the learned Additional Sessions Judge, Nilanga for offence punishable under Section 302 read with Section 34 of the I.P.C. and is sentenced to suffer imprisonment for life and to pay fine of Rs.10,000/-. The other co-accused i.e. accused nos.2 to 6 were convicted along with the applicant under Section 147, 323 read with Section 149 of the I.P.C. and are sentenced to suffer rigorous imprisonment for two years.
2. The co-accused have preferred separate appeals and they are released bail.

3. The prosecution case in short is that all the accused persons committed murder of deceased on 22.07.2019 at about 9.30 am. There was scuffle between the informant's side and the accused and during that scuffle the present applicant / accused no.1 took out a knife concealed by him under the garment near his stomach and gave its blow on the back of the deceased-Rajendra.

4. The prosecution has examined four eye witnesses in support of its case and accepting their evidence the trial Court has convicted the applicant as aforesaid.

5. Heard learned advocate for the applicant, learned APP for the State and learned senior advocate Mr. Khandare for the Informant. With their assistance, we have perused the evidence.

6. Evidence on record shows that there was scuffle between the Informant's side and the accused at the time of incident. During the scuffle the co-accused assaulted the eye witnesses and the deceased with kicks and fist blows. The applicant took out a knife from his clothes and after giving threat to the Informant and witnesses dealt its blow on the back of deceased-Rajendra, due to which there was profuse bleeding and he became unconscious. He was rushed to the Government Hospital, Nilanga and on

examination doctor declared him dead. Four eye witnesses have supported the incident. So there is no dispute about the single blow given by the applicant/accused no.1 to the deceased. Post mortem notes are admitted by the defence. Perusal of the post mortem notes shows that there was a stab wound on the back, 5 cm below left lower end of scapula, 6 cm lateral mid vertebral column on left side 4 cm x 2 cm x cavity deep with clean cut incised margin, spindle shaped, with profuse bleeding. The applicant is liable to be convicted for commission of a lesser offence.

7. Admittedly, a single blow is given by the applicant on the back of the deceased. Though, the applicant had an opportunity to deal further blows on vital parts of the body, the applicant has not done so. Therefore, it cannot be said that the applicant had an intention to kill the deceased. In this view of the matter, we are of the *prima facie* view that the conviction of the applicant under Section 302 of the I.P.C. is liable to be interfered with.

8. The applicant was arrested on 23.07.2019 and he was undertrial prisoner and by this time he has undergone approximately 6 years of incarceration. Taking into consideration, the pendency of the jail appeals, this appeal is not likely to be heard in the near future. Hence, the application deserves to be allowed also on the ground of long incarceration.

9. In the result, application is allowed. Pending hearing and final disposal of the present appeal, applicant be released on executing personal bond of Rs.25,000/- with one or more surety in the like amount. He shall attend the jurisdictional police station once a month on every first Sunday between 10.00 am to 12.00 noon. The applicant shall not enter village Shirol Wanjarvada, Tq. Nilanga, District Latur until further orders.

[VAISHALI PATIL JADHAV, J.]

[NITIN B. SURYAWANSHI, J.]