



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1610 OF 2026
IN CRIMINAL APPEAL NO. 296 OF 2026

Rama @ Ramnath Savitra Gaikwad,
Age : 41 years, Occu : Labour,
R/o. Gaikwad Vasti, Wadgaon Pan,
Tq. Sangamner, District Ahilyanagar. ... Appellant

Versus

The State of Maharashtra
Through Police Inspector,
Sangamner Police Station, Tq. Sangamner,
District Ahilyanagar. ... Respondent

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Mr. A. N. Barhate Patil, Advocate for the Applicant.
Mr. Parmod D. Patil, APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 09.06.2026

Pronounced on : 10.06.2026

ORDER :

1. Present application is for suspension of sentence and grant of bail in consequence to judgment and order of conviction dated 30.03.2026 for offence under Sections 109 r/w 302, 109 r/w 307 and 109 r/w 506 of IPC passed by learned Additional Sessions Judge, Samgamner in Sessions Case No. 61 of 2020.

2. Learned counsel submitted that applicant was arraigned as accused no.3 in above Sessions Case. That, he was implicated only because he was present. That, he did not participate in the act nor

there was any overt act at his behest. That, by applying Section 109 of IPC, he is held guilty with other accused for offence under Sections 302, 307 and 506 of IPC. That, he was on bail during trial. That, against the judgment and order of conviction, appeal has been preferred. However, as much more time would be required to hear the same, he prays for relief of suspension of sentence and bail.

3. Learned APP strongly opposed on the ground that applicant was not only present, but he has also facilitated the incident. That, there is direct eye witness account and therefore applicant is rightly convicted, and offence being serious, learned APP opposes relief of suspension.

4. Heard. Perused the papers. It seems that, on report of one Pratik Chattar, crime was registered bearing no. I-298 of 2020 at Sangamner Taluka Police Station for offence under Sections 302, 307, 120-B, 201, 212, 504, 506 r/w 34 of IPC. On trial vide Sessions Case No. 61 of 2020, case of prosecution was accepted convicting in all three accused and two were acquitted, i.e. accused nos. 4 and 5. Papers show that informant, who is examined at Exhibit 89 has narrated the earlier incident dated 21.06.2020 naming father and mother of accused no.1 Rahul Kale for hurling abuses to his father

and hitting stone to himself, of which report was lodged. It is alleged that, annoyed by the lodgment of complaint, accused no.1 Rahul Kale, along with his father Devidas Kale and present applicant Rama Gaikwad came and it is further alleged that, questioning lodgment of report, accused no.1 Rahul Kale assaulted his father. Complainant deposed that he was caught hold by present applicant Rama Gaikwad and therefore he could not save his father, who subsequently died. Similar roles of present applicant are emerging in the deposition of other witnesses and therefore, when there is act of facilitation, it cannot be said that he was merely present and did not participate in the incident. Offence under Sections 109 r/w 302, 109 r/w 307 and 109 r/w 506 of IPC are held to be proved by prosecution. No doubt, this Court has granted relief to accused no.2 Devidas, but his role of mere instigation, as well as his age was the consideration and therefore, applicant cannot claim parity with him. Hence, no case for suspension of sentence and grant of bail being made out, the following order is passed :

ORDER

The application stands rejected.

[ABHAY S. WAGHWASE, J.]