IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 494 OF 2026
IN
CRIMINAL APPEAL NO. 182 OF 2026

Sagar Mohan Anuse ...Applicant

V/s.

The State of Maharashtra ...Respondent

Mr. Piyush Toshnival with Mr. Nilabh Toshnival, Mr. Abhishek Jare, Mr. Aarya V. Ambulkar, i/b. Mr. Ashish Pawar, for the Applicant.
Mr. Kumar V. Saste, Additional Public Prosecutor, for the Respondent-State.
Mr. M. M. Kadam, HC/1872, Ashta Police Station is present.

CORAM : NEERAJ P. DHOTE, J.
DATE : 25th NOVEMBER, 2026

P. C. :

1. This is the application for suspension of sentence imposed by the learned Additional Sessions Judge, Islampur in Sessions Case No. 87 of 2020 by Judgment and Order dated 17th July 2026, convicting the Applicant for the offence punishable under Section 307 of the Indian Penal Code and sentencing him to suffer imprisonment for ten (10) years and fine of Rs. 5,000/-, in default to pay the fine, to suffer further simple imprisonment for one (1) month.

2. It is the prosecution's case that due to previous enmity between the Applicant and the injured, the Applicant assaulted the injured on 25th November 2019 around 7:00 p.m. with a scythe. The injured witness was taken to hospital for treatment. As the incident was reported to the police, Crime No. 149 of 2019 came to be registered with the Ashta Police Station, District Sangli, against the Applicant and one more accused for the offence punishable under Sections 307, 323, 504 and 506 of the Indian Penal Code and for the offence punishable under Section 4 read with 25 of the Arms Act, 1959. In support of their case, the prosecution examined the witnesses and after the trial, the learned Trial Court convicted and sentenced the Applicant as above.

3. Heard learned counsel for the Applicant and learned APP for the State. With their assistance, perused the evidence on record and the impugned Judgment.

4. The injured witness is examined as P.W.No.1. It has come in his cross-examination that eight (8) days prior to the incident, he had assaulted the Applicant on his head and the said incident was reported to the police. Though the incident of assault on the injured witness took place on 25th November 2019, the incident was reported to the police after two (2) days. There is nothing to show that the injured witness was unconscious due to the assault and *prima facie*, there is no satisfactory

explanation for the two (2) days' delay in registering the crime.. The evidence of the injured witness goes to show that initially he was taken to the Ashta Rural Hospital, however, there is no evidence from the said hospital to support the said contention of the injured witness. The recovery of the weapon used in the crime is after ten (10) days from the arrest of the Applicant. The evidence of the Investigating Officer shows that no blood was found on the weapon and the clothes of the Applicant. The P.W.No.2 and P.W.No.3, who were examined by the prosecution, who had taken the injured witness to the hospital, did not support the case of prosecution. All these aspects show that the Applicant has an arguable case on merits. The Applicant was on bail during trial. The sentence imposed on the Applicant is a term sentence of ten (10) years. The appeal is of 2026 and there is no likelihood that the appeal will be finally heard in the near future. Hence, I proceed to pass the following order:

ORDER

i) The Application is allowed.

ii) The substantive sentence imposed by the learned Additional Sessions Judge, Islampur in Sessions Case No. 87 of 2020 by Judgment and Order dated 17th July 2026 on the Applicant/Appellant, is suspended during pendency of the Appeal.

iii) Applicant - Sagar Mohan Anuse be released on bail on furnishing P. R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one or two sureties in the like amount.

iv) The Applicant/Appellant shall co-operate with this Court for early hearing of the Appeal.

v) Bail before the Trial Court.

[NEERAJ P. DHOTE, J.]

RAJU DATTATRAYA GAIKWAD
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Date: 2026.11.25 21:33:17 +0530