

Amberkar

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

**INTERIM APPLICATION NO. 140 OF 2026  
IN  
CRIMINAL APPEAL NO. 690 OF 2025**

Bharat Bhimrao Patil

Applicant /  
.. Accused

**Versus**

The State of Maharashtra & Ors.

.. Respondents

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- Mr. Ramanik Pawar a/w Mr. Dinesh Sonarlikar, Mr. Raturaj Patil, Mr. Parvej Nadaf & Mr. Samadhan Mahamulkar i/by Mr. Amit Waykool, Advocates for Applicant / Accused
- Mr. Shrikant Yadav, APP for Respondent Nos. 1 and 2 - State
- Mr. Satyajit Suresh Patil a/w Mr. Kuldeep S. Alakekar, Advocates for Respondent No. 3

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**CORAM : MILIND N. JADHAV &  
NANDESH S. DESHPANDE, JJ.**

**DATE : JUNE 17, 2026**

**P. C.:**

**1.** Heard Mr. Pawar, learned Advocate for Applicant; Mr. Yadav, learned APP for Respondent Nos. 1 and 2 - State and Mr. Patil, learned Advocate for Respondent No. 3 - Complainant.

**2.** Present Interim Application is filed for suspension of sentence. There are total 5 accused charged for the offences punishable under Sections 307, 323, 452, 143, 148, 149 read with 34 of the Indian Penal Code (for short "**IPC**"). Accused No. 5 is acquitted. Accused Nos. 2 to 4 are enlarged on bail.

**3.** In short, on the date of incident i.e. on 20.08.2018 it is the case of prosecution that the accused persons visited the house of complainant and victim for having a dialogue with regard to the allegation of theft which were levied on the accused by the brother of the victim. It is needless to mention that the parties before the Court are all related and are in the same brotherhood. Incident of putting up a mobile tower in one of the agricultural land is the precursor to the incident in question. However, on perusal of the material which is placed before us as also the order of conviction, it is *prima facie* gathered from the evidence that there was also an old dispute between the parties. Be that as it may, the charge against the Applicant who is arraigned as accused No. 1 is that he is the perpetrator of the incident with the weapon in question. Weapon in question is knife rather a house knife. There is no material evidence which has been placed on record of the accused having carried the knife but Mr. Pawar has drawn our attention to the evidence that it was carried by accused No. 2. However on the direct evidence of complainant i.e. the sister of the victim who was present at the time of incident, the accused has been charged with using the said knife for assault.

**4.** The assault in question is on the face and neck of the victim thereby causing severe and grievous injury. However, in view of the precursor incident as also the old dispute, the theory *prima facie* of

there being an altercation and said altercation having been spurned out of proportion would have cause and led to the incident in question. That apart there are certain specific issues which have been considered for conviction of Applicant along with others which are also of material significance.

**5.** There is no doubt that all the 5 accused were seen running away with accused No. 1 holding a knife / weapon in question but the material evidence or direct evidence of complainant *prima facie* shows that she has deposed that she was not aware about availability of knife in the house in question. That apart there is *prima facie* dichotomy with regard to the incident being spurned out of proportion in view of the old dispute between the parties. There is also a mention of a tin mandap in front of the house and possibility of skirmish and friction between the parties being escalated and the injury being caused due to falling on the sharp edges of the tin sheet of mandap in question cannot be ruled out. The fact that the tin sheet mandap was present has also been admitted by complainant in her evidence.

**6.** It is also *prima facie* seen that insofar as motive for the said crime is concerned, though learned Trial Court has found substance and convicted the accused, the said motive does not find place in the statement of the complainant recorded under Section 161 of Cr.P.C. In fact, statement under Section 313 of the accused itself takes a defence

that possibility of the other grudge between them due to other dispute could not be ruled out which had led to the assault in question being preceded by skirmish and quarrel.

**7.** Complainant is duly represented by Mr. Patil. He in his usual mindedness on instructions would submit that complainant does not wish to pursue and has in fact resolved and settled the matter and therefore would not object to grant of bail. This submission of Mr. Patil is also endorsed by Mr. Pawar in the course of his submissions that two days prior to the incident having happened, settlement was in fact brought out by the village elders between the parties with regard to precursor incident of stealing steel rods which were brought for the purpose of erecting the mobile tower.

**8.** *Per contra*, Mr. Yadav, learned APP for the State would vehemently oppose the Application for suspension of sentence. At the outset, he would submit that the accused is the principal perpetrator of crime and there is adequate evidence which *prima facie* shows that he has assaulted the victim and he was seen not only by the complainant but also by other witnesses in the village running away from the scene of crime along with other accused. He would submit that even though Applicant was arrested in 2018, he was subsequently released on bail but pursuant to conviction, he has surrendered. He would therefore persuade the Court to consider the gravity of crime

which would have taken the life of the victim but only because of his destiny, the victim is safe and suffered grave injuries. He would therefore persuade us to consider hearing of Criminal Appeal finally and reject the present Application.

9. We have duly considered the submissions made by learned Advocates at the bar and perused record of the case. Without elaborately going into the merits of the matter, we are inclined to suspend the sentence of Applicant in view of the aforesaid dichotomy which has been noticed. Though it is true that present Application was filed even prior to lapsing of six months from the date of previous Application, today when the matter is heard, six month's period has lapsed. In that view of the matter, we have heard the present Application for suspension of sentence.

10. Considering the dichotomy which has been recorded herein above, we are inclined to allow the Application and suspend the sentence considering that the sentence of other 3 accused has also been suspended by this Court by order dated 30.09.2025 and one accused has been convicted. Hence, the present Application is allowed on the following terms and conditions:-

- (i) The Applicant be enlarged on bail on furnishing PR. Bond in the sum of Rs. 50,000/- with one or two solvent sureties in the like amount;
- (ii) The Applicant shall report to the trial Court on the first Saturday of every month, initially for a period of 12 months and thereafter on the first Saturday of every alternate month, till his Appeal is finally disposed of;
- (iii) The Applicant shall keep the Trial Court informed on his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time;
- (iv) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an Application seeking cancellation of bail.

11. Interim Application is allowed and disposed of in the above terms.

[ NANDESH S. DESHPANDE, J. ]

[ MILIND N. JADHAV, J. ]