IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3736 OF 2026
IN APPEAL/749/2026

1. Santosh Dattatray Jadhav
Age: 39 years, Occu.: Business,
R/o. Chorachiwadi,
Tal.Shrigonda, District Ahmednagar.

2. Rukmini Santosh Jadhav
Age; 38 years, Occu.: Household,
R/o.: Chorachiwadi,
Tal.Shrigonda, District Ahmednagar. ….Applicants
(Org. Accused Nos.2 & 3)

Versus

. The State of Maharashtra
Through Police Station Officer,
Shrigonda Police Station,
Tal. Shrigonda, District Ahmednagar. …..Respondent

…..

WITH

CRIMINAL APPLICATION NO. 3754 OF 2026
IN APPEAL/750/2026

1. Sagar @ Gorakh Pandurang Jadhav
Age: 35 years, Occu.: Labour,
R/o. Chorachiwadi,
Tal.Shrigonda, District Ahmednagar. ….Applicant
(Org. Accused No.1)

Versus

. The State of Maharashtra
Through Police Station Officer,
Shrigonda Police Station,
Tal. Shrigonda, District Ahmednagar. …..Respondent

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Mr.Nitin V.Gaware Patil h/f. Mr.Z.H. Farooqui, Advocate for Applicants.
Mr.V.S.Badakh, APP for Respondent

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 15 OCTOBER, 2026
Pronounced on : 16 OCTOBER, 2026

ORDER :

1. Present applications are for suspension of sentence and grant of bail as a result of conviction recorded by learned Additional Sessions Judge, Shrigonda, District Ahmednagar, in Sessions Case No.226 of 2019, thereby convicting applicants for offence under Sections 307 read with 34 of the Indian Penal Code (IPC) on 17-08-2026.

2. Learned counsel for applicants pointed out that, applicants in consequence to above offence are sentenced to suffer rigorous imprisonment for ten years and to pay fine. That, case of prosecution was based on seven witnesses. That, alleged incident is a fall out of accusations of illicit relations of accused No.1 with accused No.3, who is wife of accused No.2. He pointed out that, though occurrence is of 11-07-2015, it is reported on 13-07-2015 and as such, it is not prompt report, but a delayed reporting leaving possibility of false, concocted and exaggerated story being reported. That, allegations against accused No.2 Santosh and his wife accused No.3 Rukmini are of catching hold of legs of informant and using hard object respectively.

That, there was no use of any sharp weapon by these two accused. That, allegation of use of sharp object was against accused No.1 Sagar. He would emphatically submitted that, here, though in the FIR there are allegations of use of knife, there is recovery of blade and moreover, Medical Expert is not examined. That, there is also no FSL report and as such, case of prosecution has several shortfalls and lapses. That, the same are questioned in the appeals against conviction, but as appeals are of 2026, there are no chances of hearing the appeals in immediate near future and for such reasons, he urges for relief of suspension of sentence and grant of bail.

3. Learned APP, who opposed the above applications and relief, pointed out that, there is direct eye witness account. That, there is use of sharp edged weapon. That, recovery is from accused No.1 and as on full fledged trial there is conviction for serious offence like attempt to murder, he seeks rejection of the applications.

4. Perused the papers. Applicants seem to be convicted on trial being conducted vide Sessions Case No.226 of 2019. Case of prosecution seems to be based on evidence of seven witnesses. There is evidence of informant as PW1 Ashwini at Exhibit 30. Evidence of her brother-in-law PW3 Yogesh, her sister PW4 Jyoti, her father PW6

Shahadev is at Exhibit Nos.40, 41 and 51 respectively.

PW1 informant in her evidence has deposed that since prior to her marriage to accused No.1, there were illicit relations between accused No.1 and accused No.3 and in that backdrop, there used to be quarrel and accused No.1 used to beat her. According to her, on 11-07-2015 while she was sleeping with her children, accused No.1 Sagar sat on her chest and he slit her throat with blade, while accused No.2 caught hold of her legs and accused No.3 hit her on the face with something, as a result of which she lost three tooth.

5. As pointed out, in FIR PW1 informant reported that she was assaulted by means of knife, however, in her actual testimony before the Court at Exhibit 30, she speaks of her throat being slit with blade. Thus, there is difference in the articles put to use as reported in FIR and as stated in evidence. Secondly, on same issue though there is recovery of blade from accused No.1, pancha witness has not supported prosecution and in deposition PW7 Investigating Officer himself deposed that seizure was from varandah of the house but seizure panchanama reflects seizure to be from the climber near the steps. Again as pointed out, spot panchanama itself is not drawn immediately rather it appears that occurrence is of 11-07-2015 and surprisingly spot panchanama is shown to be drawn on 14-07-2015.

Further as pointed out, occurrence of 11-07-2015 is reported after 2 days i.e. on 13-07-2015. Even though PW1 informant was injured, her brother-in-law PW3 and other family members i.e. her sister PW4 Jyoti and PW6 father had rushed to the spot, but they did not bother to report promptly. As pointed out, indeed role attributed to accused No.2 Santosh and accused No.3 Rukmini are merely of catching hold legs of informant and hitting with blunt object respectively. They both were said to be on anticipatory bail during trial, hence they deserve relief as prayed. However, accused No.1 Sagar against whom there are allegations of slitting/cutting throat of informant, does not deserve relief as prayed.

Therefore, application of applicants Santosh and Rukmini deserves to be allowed and application of applicant Sagar deserves to be rejected. Accordingly, following order is passed :

ORDER

I. Criminal Application No.3754 of 2026 is rejected.

II. Criminal Application No.3736 of 2026 is allowed.

III. The substantive sentence imposed on the applicant Nos.(1) Santosh Dattatray Jadhav and (2) Rukmini Santosh Jadhav, by the Additional Sessions Judge, Shrigonda on 17-08-2026, stands suspended till the final hearing and disposal of Criminal Appeal No.749 of 2026.

IV. The applicants be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand only) each with two solvent sureties in the like amount each.

V. The applicants shall not commit any criminal activity.

VI. The applicants shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the appeal, commencing from the date they tender bail papers and thereafter, the trial Judge to fix dates for their subsequent appearances.

VII. In case of two consecutive defaults on the part of the applicants 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 the applicants.

VIII. Bail before the trial Court.

[ABHAY S. WAGHWASE, J.]

SPT