2026:BHC-AUG:49393

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3996 OF 2026
IN APPEAL/803/2026

1] Vyankat Achyut Jadhav
Age: 21 years, Occu.: Education

2] Sagarbai W/o Achyut Jadhav
Age: 45 years, Occu.: Household

3] Achyut Keshavrao Jadhav
Age: 48 years, Occu.: Agri.

All R/o. Methi,Tal.Ahmedpur,
District Latur. **..Applicants**

Versus

. The State of Maharashtra
Through Chakur Police Station,
Taluka Latur, District Latur. **..Respondent**

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Mr.Vikrant S. Valse, Advocate for Applicants.
Mr. V. S. Badakh, APP for Respondent.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 15.10.2026
PRONOUNCED ON : 16.10.2026

ORDER :

1. The present application seeks suspension of sentence awarded to the applicants in Sessions Case No. 47 of 2018 by the learned Additional Sessions Judge, Latur vide judgment and order dated 31.08.2026, thereby convicting the applicants of the offence

punishable under Section 326, 323 read with Section 34 of the Indian Penal Code [IPC]. The applicants have also prayed for their release on bail.

2. Learned Counsel for the applicants pointed out that applicants are convicted by learned Additional Sessions Judge, Latur for offence under Sections 326, 323 read with Section 34 of IPC. That, maximum sentence is of three years. He pointed out that, incident is all out of civil dispute. That, civil suit is pending. There are allegations of assault by axe and sickle, but recovery panch has not supported the prosecution. That, though occurrence is of 26.06.2017, it is reported after 14 days i.e. on 10.07.2017, of which there is no explanation and as such, there is possibility of false implication. That, applicants were on bail during trial. That, appeal being of the year 2026 may not be heard earlier. Hence, the relief of suspension of sentence and grant of bail is urged for.

3. Learned APP opposed the application on the ground that there is assault by axe and sickle and on full fledged trial conviction has been recorded.

4. After considering the above submissions and on going through the papers, it appears that case of prosecution in trial Court is based

on as many as 12 witnesses. There seems to be animosity on the background of civil dispute. Apparently, occurrence dated 26.06.2017 is reported on 10.07.2017. Therefore, there is inordinate delay in lodging the FIR. Statement is made across the bar that recovery panch has not supported. Taking the fixed term sentence into account and the above discussion, as applicants were on bail during trial and as appeal may not be heard earlier, relief as prayed deserves to be granted. Hence, I proceed to pass the following order:

ORDER

I. Criminal Application stands allowed.

II. The substantive sentence imposed on the applicants viz., **1] Vyankat Achyut Jadhav, 2] Sagarbai W/o Achyut Jadhav** and **3] Achyut Keshavrao Jadhav** in Sessions Case No.47 of 2018 by the learned Additional Sessions Judge, Latur, on 31.08.2026, stands suspended till the final hearing and disposal of Criminal Appeal No. 803 of 2026.

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

IV. The applicants shall not indulge in any criminal activity.

V. The applicants shall remain present before the learned trial Judge once in six months, till the final hearing and disposal of

the appeal, commencing from the date he tenders they bail papers, and thereafter, the learned trial Judge shall fix dates for their subsequent appearances.

VI. In case of two consecutive defaults on the part of the applicants in remaining present before the trial court, the trial court shall inform this Court about the same, and in that eventuality, the prosecution shall be at liberty to file an application for cancellation of the bail granted to the applicants.

VII. Bail before the trial court.

[ABHAY S. WAGHWASE, J.]

scm