

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 3090 OF 2016
IN APEAL/364/2016**

**1] RAMKISAN @ SHRIRAM S/O GORAKH MUNDHE
2] PANDURANG @ BANDU GORAKH MUNDHE**

**VERSUS
THE STATE OF MAHARASHTRA**

**...
Advocate for Applicant : Thombre S.S.
APP for Respondents: Mr.A.V.Deshmukh**

...

CORAM : V.L.ACHLIYA,J.

DATE : 22/08/2016

PER COURT :-

Heard the learned counsel for the applicants and APP for the State. Perused the judgment and order passed by the trial Court. The applicants are held guilty for committing offence under Section 307, 452 r.w. Section 34 of IPC and sentenced to suffer rigorous imprisonment for 5 years.

2] It is the contention of the learned counsel for the applicants that considering the injuries sustained by the injured persons, no case is made out to connect applicants under Section 307 of IPC as the injuries as alleged to have been caused over the head were found to be simple injuries.

2] While deciding the bail application, pending disposal of appeal, it is not desirable to make any observations as to the merit of the matter. Therefore, I am refraining to make any observations as to the merits of the submissions advanced that no offence under Section 307 of IPC is attributed. However, taking into consideration that pending trial, applicants were on bail and the sentence awarded by the trial Court is 5 years and it will take long time to hear the appeal and so also the arguable case is made out to consider that conviction of appellants under Section 307 of IPC is justified or not, in my view the applicant deserves to be released on bail. In this view of the matter, I am inclined to allow the application. Hence the following order :

ORDER

The application is allowed in terms of prayer clause "B".

2] Pending disposal of appeal, sentence awarded stands suspended.

3] Pending disposal of appeal, applicants be released on their furnishing bail in the sum of Rs.50,000/- each with one solvent surety in the like amount on following conditions :

i] Applicants shall visit and record attendance with concerned police station on every second and fourth Sunday in each month till disposal of appeal.

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ii] Applicants shall furnish names, addresses and phone numbers of three close relatives.

[iii] Applicants shall not cause any threat to the complainant, victim and witnesses in the case.

[iv] Applicants shall not leave the Beed city without prior intimation to the concerned police station.

[v] Applicants shall not involve in any criminal activities.

4] In case of breach of any of the conditions of appeal, bail granted to the applicants shall be liable to be cancelled.

5] Bail to be furnished in trial Court.

(V.L.ACHLIYA,J.)

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