

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1367 OF 2016
IN
CRIMINAL APPEAL NO. 660 OF 2016**

Suresh Shankar Kharvi	...Applicant
Versus	
The State of Maharashtra	...Respondent

**WITH
CRIMINAL APPLICATION NO. 358 OF 2017
(THROUGH JAIL)
IN
CRIMINAL APPEAL NO. 660 OF 2016**

Manoj Shankar Kharvi	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Jagdish Shetty for the Applicants

Mrs. M. M. Deshmukh, A.P.P for the Respondent-State

***CORAM : RANJIT MORE &
REVATI MOHITE DERE, JJ.
TUESDAY, 14th MARCH, 2017***

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P.

2. Both the applications are taken out for bail during the pendency of the aforesaid appeal. Applicant-Suresh in Criminal

Application No. 1367 of 2016 is accused No. 2 and applicant-Manoj in Criminal Application No. 358 of 2017 is accused No. 3. Both these accused along with accused No. 1-Vinod came to be convicted for an offence punishable under Section 302 r/w 34 of the Indian Penal Code for committing murder of Ashok i.e. brother of accused Nos. 2 and 3.

3. The learned Sessions Judge relying upon the evidence of PW 4-Narendra Datt Dubey, convicted all the accused. Accused No. 1-Vinod is the son of accused No. 2-Suresh. The accused Nos. 1, 2 and 3 were staying along with deceased Ashok. PW 4 is the neighbour of the accused and the deceased. There was a dispute between the accused and the deceased about the pensionary benefit of their father deceased Shankar. It has come in the evidence of PW 4-Narendra Dubey, that on the date of the incident, accused No. 2-Suresh and accused No. 3-Manoj along with accused No. 1-Vinod were beating deceased Ashok; that there was a scissor lying in the room, which accused No.1-Vinod picked up and assaulted deceased Ashok with the same on his chest and head. The evidence of Medical Officer Dr. Narendra Shinde (PW 7) shows that there were multiple stab injuries on the person of the deceased and the cause of death was shown as

“haemorrhagic shock due to multiple stab wound injuries with ruptured heart”.

4. *Prima facie*, we find that the fatal blows were given to the deceased only by accused No. 1-Vinod. That apart, accused No. 2-Suresh was on bail during the pendency of the trial. The above appeal is not likely to be heard in near future. Taking into consideration the totality of facts and circumstances, we are of the opinion that case for bail of accused No. 2-Suresh and accused No. 3-Manoj is made out. We accordingly allow both the applications and direct the applicants namely accused No.2-Suresh and accused No.3-Manoj to be enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicants i.e. Suresh (accused No.2) and Manoj (accused No.3) be enlarged on bail, pending appeal, on furnishing PR Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (ii) The applicants shall attend the concerned Police Station, once in two months, on the first Monday between 11:00 a.m. to 12:00

noon. If the first Monday falls on a holiday, the applicants shall attend the concerned Police Station on the following working day.

5. The applicants shall remain present at the time of hearing of the appeal.

6. The Applications are allowed in the aforesaid terms and are accordingly disposed of.

7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.

RANJIT MORE, J.