

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

909 CRIMINAL APPLICATION NO.759 OF 2021

IN

CRIMINAL APPEAL NO.152 OF 2021

1. Rahul s/o Tukaram Dhengale
Age 20 years, Occu. Labour
 2. Aniket s/o Nandkumar Bansode,
Age 22 years, Occu. Labour
All R/o Vikat Nagar, Latur,
Taluka and District Latur
- ..Applicants

Versus

The State of Maharashtra,
through Police Inspector,
M.I.D.C. Police Station, Latur,
Taluka and District Latur

..Respondent

Mr P.P. More, Advocate for Applicants
Mr Rajendra V. Dasalkar, A.P.P. for respondent/State

**CORAM : V.K. JADHAV AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 16th September 2021

PER COURT :

1. Heard both the sides.
2. By order dated 16.7.2021, this Court (Coram : V.K. Jadhav and S.G. Dige, JJ) released the appellants/original accused nos.1, 2 and 4 on bail by suspending the sentence. So far as the present applicant no.2 is concerned, he is original accused no.3. The applicant no.2/original accused no.3 was on bail during trial.
3. By order dated 3.9.2021, we had requested the learned A.P.P. to call special report from the Investigating Officer as to the antecedents of the applicant no.2 Aniket s/o Nandkumar Bansode. The learned A.P.P. has placed before us the report in writing from P.S.I., Police Station, M.I.D.C., Latur.

4. It is informed that except the present crime, no other crime is registered against the applicant no.2/accused no.3 - Aniket s/o Nandkumar Bansode in the Police Station, M.I.D.C., Latur.

5. We have carefully perused the notes of evidence, particularly, deposition of PW-1/injured Ramesh. It appears that the incident had taken place on 15.12.2018 at about 9.00 to 9.30 p.m. for a trifling reason. Though the main role has been attributed to the present applicant no.2/accused no.3, however, the applicant no.2/accused no.3 allegedly inflicted only one blow of knife on the abdomen of PW-1/injured Ramesh. Though PW-5 Dr. Rahul Kulkarni has opined that the injury on the abdomen of PW-1/injured Ramesh was severe and life threatening, however, considering the fact that the applicant no.2/accused no.3 - Aniket was on bail during trial and also the fact that his antecedents are clear, we are inclined to release him on bail, by suspending the substantive part of sentence. Hence, the following order :

ORDER

- (I) Criminal Application is hereby allowed.
- (II) Pending the Criminal Appeal No.152 of 2021 preferred against the judgment and order of conviction passed by the Sessions Judge, Latur, dated 08.03.2021 in Sessions Case No.54 of 2019, the substantive part of sentence is hereby suspended to the extent of applicant no.2/original accused no.3 Aniket s/o Nandkumar Bansode and till then, he be released on bail on furnishing P.B. of Rs.20,000/- (Rs. Twenty thousand) with one solvent surety of the like amount.

(III) Criminal Application No.759 of 2021 is disposed of.

(SHRIKANT D. KULKARNI, J.)

(V.K. JADHAV, J.)

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