

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

963 CRIMINAL APPLICATION NO.1193 OF 2021
IN
CRIMINAL APPEAL NO. 162 OF 2021

1. Akshay s/o Bhimrao Suryawanshi
 2. Shubham s/o Balu Gaikwad
- ...Applicants

versus

The State of Maharashtra

...Respondent

.....
Mr. Sudarshan J. Salunke, advocate for the applicants
Mr. A.S. Shinde, A.P.P. for the respondent-State
.....

AND
963 CRIMINAL APPLICATION NO.759 OF 2021
IN
CRIMINAL APPEAL NO. 152 OF 2021

1. Rahul s/o Tukaram Dhengale
 2. Aniket s/o Nandkumar Bansode
- ...Applicants

versus

The State of Maharashtra

...Respondent

.....
Mr. P.P. More, advocate for the applicants
Mr. A.S. Shinde, A.P.P. for the respondent-State
.....

**CORAM : V. K. JADHAV AND
S. G. DIGE, JJ.
DATED : 16th JULY, 2021**

PER COURT:-

1. Heard.
2. In criminal application No. 759 of 2021, learned counsel for the applicants seeks leave to delete the name of respondent No.2 from

the array of respondents. Leave granted. Delete the name of respondent No.2 Ramesh Shankar Mane, from the array of respondents, forthwith.

3. Pending the criminal appeal No. 162 of 2021 and 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, convicting thereby the applicants-accused persons for the offences punishable under Section 307 r.w. 34 of I.P.C. and sentencing them to suffer imprisonment for life and to pay fine of Rs.10,000/- each i/d to suffer R.I. for one year and also convicting them under Section 452 r.w. 34 of I.P.C. and sentencing them to suffer R.I. for seven years and to pay fine of Rs.10,000/- each i/d to suffer R.I. for one year, the applicants-original accused Nos. 1 and 4 have filed criminal application No. 1193 of 2021 and the applicants-original accused Nos. 2 and 3 have filed criminal application No. 759 of 2021 for suspension of substantive part of sentence and for bail.

4. Learned counsel for the applicants in both the applications submit that all the applicants-original accused were on bail during trial. Learned A.P.P. has pointed out that the main role is ascribed to accused No.3 Aniket Nandkumar Bansode, as he has inflicted a blow on the abdomen of P.W.1 Ramesh Mane by using a knife. So far as the applicants in criminal application No. 1193 of 2021 are

concerned, they allegedly caught hold the informant P.W.1 Ramesh Mane and except that, no other overt-act is ascribed to them. So far as applicant No.1 in criminal application No. 759 of 2021 i.e. original accused No.2 Rahul Tukaram Dhengale is concerned, he caught hold P.W.2 Rekha, who happened to be the wife of P.W.1 Ramesh Mane. So far as applicant No. 2 Aniket Nandkumar Bansode in criminal application No. 759 of 2021 i.e. original accused No.3 is concerned, learned A.P.P. seeks time to call report of the investigating officer.

5. Thus, considering the act/overt act, as alleged against the applicants original accused Nos. 1, 2 and 4 in the aforesaid crime, and since they were on bail during trial, we are inclined to release them on bail by suspending the substantive part of sentence. Hence, we proceed to pass the following order:-

O R D E R

- I. Criminal application No. 1193 of 2021 is hereby allowed.
- II. Pending the criminal appeal No. 162 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 applicants and till then applicant No. (1) Akshay

s/o Bhimrao Suryawanshi and applicant No.(2) Shubham s/o Balu Gaikwad, be released on bail on furnishing P.B. of Rs.20,000/- (Twenty thousand) each with one solvent surety each of the like amount.

- III. Pending the criminal appeal No. 152 of 2021 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.1 and till then applicant No. (1) Rahul s/o Tukaram Dhengale, in criminal application No. 759 of 2021 be released on bail on furnishing P.B. of Rs.20,000/- (Twenty thousand) with one solvent surety of the like amount.
- IV. Criminal application No. 759 of 2021 is kept pending and adjourned to 13.08.2021 for considering the application of applicant No.2 Aniket Nandkumar Bansode.
- V. Criminal application No.1193 of 2021 is accordingly disposed of.
- VI. Criminal application No. 759 of 2021 is disposed of to the extent of applicant No.1 Rahul Tukaram Dhengale.

(S. G. DIGE, J.)

(V. K. JADHAV, J.)