

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.725 OF 2022

GANESH SHANKAR GAVAND AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. S.S. Chapalgaonkar, Advocate for the Appellants.
Mr. R.B. Bagul, APP, for the Respondent – State.
Mr. R.H. mewara and Mr. Amar Sonkawade, Advocate for
Respondent No. 2.

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CORAM : R.G. AVACHAT &
R.M. JOSHI, JJ

DATE : NOVEMBER 24, 2022.

PER COURT :

1. At the outset, learned Advocate for Appellants sought permission to withdraw the Appeal to the extent of Appellant No. 1. Permission is granted. Appeal is disposed of to that extent.

2. Heard learned Advocates for respective parties.

3. *Prima facie* perusal of material on record is sufficient to indicate that presence of Appellant No. 2 at the spot is doubtful. Once his presence at the spot is in question, his liberty deserves to be protected.

4. In the circumstances, this is a fit case for confirmation of ad-interim protection granted to Appellant No. 2. Hence, the ad-interim protection granted by this Court on 10th November, 2022 is hereby confirmed, on conditions that: a) he shall not tamper with the prosecution evidence, b) he shall appear before the investigating officer as and when required.

(R.M. JOSHI, J.)

(R.G. AVACHAT, J.)

Malani