

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

**CRIMINAL APPLICATION NO.3561 OF 2022 IN
CRIMINAL APPEAL NO.800 OF 2022**

Mukesh s/o Sukhbir Lahot

... APPLICANT

VERSUS

The State of Maharashtra

... RESPONDENT

.....
Mr. A.K. Bhosle, Advocate for applicant
Mr. R.V. Dasalkar, A.P.P. for respondent – State
.....

**CORAM : R. G. AVACHAT, AND
R. M. JOSHI, JJ.**

DATE : 22nd DECEMBER, 2022.

PER COURT :

Heard. This case is based on circumstantial evidence. The co-accused are already acquitted. As far as present applicant is concerned, except for the evidence of recovery of blood stained shirt of the deceased at his instance, there is no other evidence to connect him with the crime. In absence of determination of blood group of the deceased, it cannot be said with certainty that the recovered shirt was stained with blood of the deceased. There is no likelihood of present appeal being taken up for hearing in near future. In the circumstances, we are inclined to suspend the

sentence imprisonment passed against the present appellant.

Hence the order :

ORDER

(i) The Criminal Application is allowed.

(ii) Pending the appeal, the substance sentence of imprisonment imposed against the present applicant by learned Additional Sessions Judge, Aurangabad by judgment and order dated 30/8/2022, passed in Sessions Case No.153/2016 to stand suspended and the applicant be released on bail on his executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.

(R.M. JOSHI, J.)

(R. G. AVACHAT, J.)

fmp/-