

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

**CRIMINAL APPEAL NO.854 OF 2022
WITH APEAL/811/2022 WITH APEAL/820/2022**

**SANTOSH UTTAM GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. A. V. Lavte, Advocate for the appellant in Criminal Appeal No. 854 of 2022

Mr. A. L. Kanade, Advocate for the appellant in Criminal Appeal No. 811 of 2022

Mr. M. B. Sandashiv, Advocate for the appellants in Criminal Appeal No. 820 of 2022

Mr. R. V. Dasalkar, APP for the respondent/State

Mr. M. P. Kale, Advocate for respondent No. 2

**CORAM : R. G. AVACHAT &
R. M. JOSHI, JJ.
DATED : 8th DECEMBER, 2022**

PER COURT :-

1. Heard.

2. After showing disinclination to consider prayer for bail, learned counsel Mr. Lavte for the appellant, on instructions, seeks permission for withdraw of Criminal Appeal No. 854 of 2022. Hence Criminal Appeal No. 854 of 2022 is disposed of as withdrawn.

3. It is informed to the Court that the charge-sheet is already filed and the victim has been discharged from the hospital.

4. Learned APP and learned counsel for respondent No. 2 submitted that appellant Santosh has criminal antecedents and he fired bullet at the victim and having regard to seriousness of crime, appeals may be rejected.

5. As far as accused other than Santosh are concerned, no act of use of any weapon is attributed to them. In the circumstances, after filing of the charge-sheet they need not be kept behind bars. Hence the order.

ORDER

(i) Criminal Appeal No. 854 of 2022 is disposed of as withdrawn.

(ii) Criminal Appeal No. 811 of 2022 and Criminal Appeal No. 820 of 2022 are allowed.

(iii) Impugned order dated 12th October, 2022 passed by Additional Sessions Judge, Majalgaon, Dist. Beed in Sessions

Case No. 43 of 2022 is set aside to the extent of appellants in Criminal Appeal No. 811 of 2022 and Criminal Appeal No. 820 of 2022.

(iv) Appellants in Criminal Appeal No. 811 of 2022 and Criminal Appeal No. 820 of 2022 be released on bail on furnishing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand only) each with one surety in the like amount, in connection with C.R. No. 0124 of 2022 registered at Majalgaon Rural Police Station, Tal. Majalgaon, Dist. Beed for the offences punishable under Sections 307, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code, Section 3/25 and 27 of Arms Act and Section 3(1)(r), 3(1)(s), 4(1)(i)(s), 3(2)(v), 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

(v) Appellants shall not tamper with the prosecution evidence.

(R. M. JOSHI, J.)

(R. G. AVACHAT, J.)

ssp