

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

INTERIM APPLICATION NO. 2854 OF 2021

IN

CRIMINAL APPEAL NO. 48 OF 2017

Yuvraj @ Yuva Ankush Mane .

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Ms. Rebecca gonsalvez i/b Dr. Yug Mohit Chaudhry for Appellant/ Applicant.

Mr. S. S. Hulke, APP for Respondent/State.

...

Digitally signed
by
DNYANESHWAR
ASHOK ETHAPE
Date:
2022.02.26
17:28:26 +0530

**CORAM : S. S. SHINDE &
N. R. BORKAR, JJ.**

DATE : 26th FEBRUARY, 2022.

P.C.:

1. Heard learned counsel appearing for the applicant/appellant and learned APP appearing for the respondent/state.

2. Admittedly, the appellant is in jail since his arrest from the year 2014. We have carefully perused the evidence brought on record by the prosecution. It appears that there was scuffle between the deceased (Nitin) and the appellant, and in the said scuffle the appellant assaulted the deceased (Nitin) by knife. It further appears that at the time of incident the deceased was armed with fighter. On considering the evidence in its entirety, it prima facie appears that the act on the part of the appellant was not

pre-meditated. It may not be desirable to give elaborate reasons on merits since appeal filed by the appellant is pending. Suffice it to say that there was sudden quarrel and scuffle between the deceased (Nitin) and the appellant and in the said quarrel the incident had taken place. Following the said incident the deceased sustained injuries and died, and the appellant also sustained injuries. He was treated in the hospital for three days.

3. In that view of the matter and keeping in view that the appeal, which pertains to the year 2017, is not likely to come up for hearing in near future due to pendency of appeals against conviction pertaining to years 2011 and 2013, we deem it appropriate to accede to the prayer of the appellant to enlarge appellant on bail during the pendency of this appeal. Hence, we pass following order:

ORDER

- (i) Application is allowed.
- (ii) The substantive sentence of the appellant is suspended.
- (iii) The appellant shall be enlarged on bail on furnishing PR Bond in the sum of Rs. 15,000/- (Fifteen Thousand Only) with one surety in the like amount;
- (iv) If the appellant possesses passport, the same shall be deposited with the concerned Investigating Officer/Police Station immediately.
- (v) After release, the appellant, during the pendency of appeal, shall

attend the police station in whose jurisdiction he is going to reside once in a month i.e. on 1st Monday of every month.

(vi) The observations made in this order are prima facie in nature and confined to the adjudication of this application only.

(vii) Interim Application stands disposed of.

(N. R. BORKAR, J.)

(S. S. SHINDE, J.)