

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

**7 CRIMINAL APPLICATION NO.3415 OF 2023
IN
CRIMINAL APPEAL NO. 569 OF 2001**

**SAKHARAM GANPATI RAUT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr. S.P. Katneshwarkar, Advocate for the applicants.
Mr. P.M. Kulkarni, A.P.P. for respondent No.1 – State.
Mr. K.J. Suryawanshi, Advocate for respondent Nos.2 and 3.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 11th September 2023.

ORDER:-

1. Heard rival submissions.
2. The applicants, who are the original accused, are seeking recalling of the order dated 28.08.2023 whereby non-bailable warrants were issued against them. However, after issuing the non-bailable warrants to the applicants, the concerned Police Inspector of Kaij Police Station, District Beed submitted a report dated 03.09.2023 contending that accused Nos.1 and 2 are too old, and therefore, he could not produce them under the non-bailable warrants issued against them. The photographs of the physical condition of accused Nos.1 and 2 are also annexed. From the perusal of these photographs, it is clearly evident that these accused are almost bed ridden. As

such, the order of issuance of non-bailable against them stands cancelled.

3. So far as accused No.3 is concerned, he has been arrested by the concerned Police Station under the non-bailable warrant and then produced before the concerned Court of Additional Sessions Judge and District Judge-2, Ambejogai. He is taken into M.C.R. The learned Counsel for the appellant/accused is ready to work out the matter today itself. As such, the appellant/accused No.3 be released on his execution of P.R. & S.B. of Rs. 15,000/- during the pendency of this appeal.

4. Bail in lower Court.

5. Application is accordingly disposed of.

6. Authenticated copy be supplied to the parties.

(SANDIPKUMAR C. MORE, J.)