



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION [APPA] NO. 850/2023
IN CRIMINAL APPEAL NO. 525/2023.

Pankaj Nilkanth Dongardive. ... Appellant.

-Versus-

1.The State of Maharashtra. ... Respondent.

.....
Shri B.L. Borikar, Advocate for the Appellant.
Shri V.A. Thakare, A.P.P. for the Respondent.

.....

CORAM : NITIN W. SAMBRE AND
VALMIKI SA MENEZES, JJ.

DATE : SEPTEMBER 13, 2023.

P.C.

We have heard the learned Counsel for the applicant (original accused no.8) in respect of prayer for suspension of sentence and grant of bail.

2. Apart from claiming parity with the co-accused Pramod Sheshrao Chavan, contentions are that the applicant was on bail during trial. The learned A.P.P. has tried to distinguish the case of the applicant, way the co-accused Pramod, who was ordered to be released

by this Court on 28.07.2023.

3. The evidence of the Doctor i.e. P.W.12 speaks that the cause of death is due to hemorrhage and shock, as the deceased suffered multiple stab injuries to the vital organs and vessels.

4. The role attributed to the applicant is that of use of iron pipe and assaulting the deceased on head. As such, it cannot be said that the assault by the applicant was one of the cause for death of the deceased.

5. In this background, treating the case of the applicant at par with the co-accused Pramod Chavan, we deem it appropriate to allow the application. Hence, the following order.

ORDER

- (i) Criminal Application is allowed.
- (ii) The execution of substantive sentence passed in Sessions Trial No.191/2014 by the Additional Sessions Judge-3, Akola dated 27.03.2023, in respect of the applicant – Pankaj Nilkanth Dongardive is hereby suspended till disposal of the Criminal Appeal.
- (iii) The applicant be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iv) The applicant shall remain present in this Court as and when specifically directed.

(VALMIKI SA MENEZES, J.)

(NITIN W. SAMBRE, J.)