



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 328 OF 2024
IN
CRIMINAL APPEAL NO. 66 OF 2024

Akash s/o. Sukhdeo Padul,
Age : 20 years, Occu. : Driver,
R/o. Hanuman Nagar, Galli no.5,
House No. 129, Garkheda Parisar,
Dist. Aurangabad.

... Applicant.

Versus

1. The State of Maharashtra,
Through Pundlik Nagar Police Station,
Taluka Aurangabad, Dist. Aurangabad

2. Atmaram s/o. Manikrao Pawar,
Age : 46 years, Occu. Service,
R/o. Hanuman Nagar, Galli No.5,
Plot No.17, Garkheda Parisar,
Dist. Aurangabad.

... Respondents.

...
Mr. Chaitanya C. Deshpande, Advocate for applicant.
Mr. S. M. Ganachari, APP for Respondent - State.
...

CORAM : ABHAY S. WAGHWASE, J.

DATED : 19th JANUARY 2024

ORDER :

1. Instant application is for suspension of substantive sentence and grant of bail during pendency of appeal, which arises out of judgment and order passed by Additional Sessions Judge, Aurangabad in Sessions Case No. 346 of 2019, decided on 30.10.2023.

2. In support of the case, learned counsel pointed out that there is false implication. There was some quarrel one day prior to incident in question. It is submitted that there is no independent witness. Sole testimony of complainant has been accepted by learned trial Judge. There is a good case on merits in appeal. However, as much more time would be required to hear and decide the appeal, sentence is sought to be suspended and he prays for granting bail during pendency of appeal.

3. Learned APP has opposed on the ground that, there is injured eye witness account. Medical evidence clearly supported ocular account. There is a recovery of knife and so according him, offence is serious.

4. In the light of above submissions and on going through the papers, it seems that, present applicant faced trial for commission of offence under sections 307 and 341 of IPC. Allegations are about informant being obstructed while he was proceedings on his two wheeler on 30.10.2018 at around 11:00 a.m. The incident seems to have taken place after accused applicant questioned informant for lodging complaint at police station and thereafter it is alleged that, he took out knife and gave blows on the head and stomach of informant. On report to that

extent on behalf of injured, crime seems to have been registered with Pundlik Nagar Police Station. It seems that, in support of the charge, prosecution has adduced evidence of in all 7 witnesses.

5. At this stage, evidence of informant PW3 Atmaram and PW4 Dr. Umesh Kulkarni, medical witness is of significance. PW4 Dr. Umesh Kulkarni, who examined and treated injured and noticed in all six injuries. Out of the same, two injuries were found on left temporo parietal region and upper abdomen. Doctor has further opined about two injuries to be grievous and caused within six hours. Therefore, here *prima facie*, there is corroboration by way of medical evidence. There is recovery of knife at the instance of accused, which was said to be blood stained and seizure panchanama is also said to be proved.

6. Resultantly, in the light of nature of accusations, the circumstances in which incident took place and the above discussed material, this court does not deem it to be a fit case to grant relief of suspension and grant of bail.

7. Criminal Application stands rejected.

(ABHAY S. WAGHWASE, J.)