



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

**CRIMINAL APPLICATION NO. 1056 OF 2025
IN APEAL/118/2025**

MARTAND MANOHAR AROTE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. Chaitanya V. Dharurkar, Advocate for Applicants
Mr. S.R. Yadav Lonikar, APP for Respondent/State
...

**CORAM : NITIN B. SURYAWANSHI &
SANDIPKUMAR C. MORE, J.J.**

DATE : 14th JULY, 2025

PER COURT :

1. By this application, applicants pray for suspension of substantive sentence of life imprisonment imposed on them by learned Additional Sessions Judge, Sangamner, vide judgment and order dated 04/12/2024, passed in Sessions Case No.57/2022, for offence punishable under Section 302 read with 34 of the Indian Penal Code.

2. In short, the prosecution case is that on 11/03/2022 at about 01:30 p.m. applicant No.1 who is brother of the deceased, assaulted deceased on head with axe, on the provocation given by deceased to him. He also assaulted the informant PW1 with wooden handle of axe. In the evening at about 06:00 p.m. applicant No.1 assaulted deceased with wooden log and applicant No.2 gave multiple blows of spade on the head, chest, face and hands of the

deceased. On appreciation of evidence, trial Court has convicted both the accused / applicants for offence punishable under Section 302 read with 34 of I.P.C.

3. Heard learned advocate for applicants and learned APP for respondent/State. With their assistance perused the record.

4. After arguing at length on merits, when this Court was not inclined to grant bail to applicant No.2, learned advocate for applicants, on instructions, seeks permission to withdraw the application of applicant No.2 Mayur. Permission granted. Application of applicant No.2 Mayur Martand Arote is dismissed as withdrawn.

5. On perusal of evidence on record, we find that assault with wooden log is attributed to applicant No.1 on the deceased as well as informant, which has caused simple injuries. Applicant No.1 is in jail since 12/03/2022 as under-trial prisoner. In this view of the matter, we are inclined to allow his application.

6. Hence, the following order:-

ORDER

- (i) Application of applicant No.1 is allowed.
- (ii) The substantive sentence of life imprisonment imposed by learned Additional Sessions Judge, Sangamner, vide judgment and order dated 04/12/2024, passed in Sessions Case

No.57/2022, on applicant No.1 Martand Manohar Arote is suspended during the pendency of appeal.

- (iii) Applicant No.1 Martand Manohar Arote be released on bail on furnishing personal bond of rs.15,000/-, with one surety in the like amount.
- (iv) Hearing of the appeal be expedited.
- (v) Criminal application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)

(NITIN B. SURYAWANSHI, J.)