

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 814 OF 2017
IN
CRIMINAL APPEAL NO. 500 OF 2017**

Sadanand Gajanan Bhagat	...Applicant
Versus	
The State of Maharashtra	...Respondent

**WITH
CRIMINAL APPLICATION NO. 828 OF 2017
(For Intervention)
IN
CRIMINAL APPLICATION NO. 814 OF 2017
IN
CRIMINAL APPEAL NO. 500 OF 2017**

Kashinath Barkya Bhoir	...Intervener
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IN THE MATTER BETWEEN :

Sadanand Gajanan Bhagat	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Shantanu R. Phanse for the Applicant

Mr. S. R. Agarkar, A.P.P for the Respondent-State

Mr. Prashant Gurav for the Intervener

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 6th JULY, 2017

P.C. :

1. Heard learned counsel for the parties.

2. By this application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of the aforesaid appeal. Learned Counsel for the applicant states that the applicant was enlarged on bail, pending trial and he has not abused or misused the conditions of bail. He submits that the evidence of PW 7-Dr. Shekhar Bavkar shows that there was no internal damage nor was there any skull fracture. He submits that taking the evidence as it stands, no offence under Section 326 of the Indian Penal Code is disclosed.

3. Learned APP opposed the application. Learned Counsel for the intervener also supported the learned A.P.P. According to the learned Counsel for the intervener, the injury No. 1 i.e. CLW over left parietal temporal region, is a grievous injury. Neither the learned APP nor the learned Counsel for the intervener dispute the fact that the applicant was on bail, pending trial and that he has not misused or abused the conditions of bail.

4. Perused the papers, in particular, the evidence of PW 7-Dr. Shekhar Bavkar. *Prima facie*, it is doubtful whether an offence under

section 326 can be said to have been made out. The applicant was on bail, pending trial and has not misused or abused the conditions of bail. The appeal was admitted on 19th June, 2017. The applicant has been convicted for the offence punishable under Section 326 and has been sentenced to suffer RI for 5 years and to pay a fine of Rs. 25,000/-, in default, to suffer SI for 3 months. The appeal is not likely to come up for hearing in immediate near future.

5. Considering the aforesaid, the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his Appeal, on the following terms and conditions :

ORDER

(i) The applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each, with one or two sureties in the like amount.

6. The application is allowed in the aforesaid terms and is accordingly disposed of.

7. In view of the above order, intervention application being Criminal Application No. 828 of 2017 also stands disposed of.
8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.