

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.3687 OF 2022
IN
CRIMINAL APPEAL NO.1091 OF 2022**

Fakir Mohamad Hussain Nevarekar Applicant

versus

State of Maharashtra Respondent

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- Mr. Shashank C. Mangle, Advocate for Applicant.
- Mr. S. R. Agarkar, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 10th NOVEMBER, 2022**

P.C. :

1. The applicant was convicted and sentenced by learned Additional Sessions Judge, Ratnagiri *vide* his judgment and order dated 03.10.2022 passed in Sessions Case No.20 of 2020. The applicant was convicted for commission of offence punishable under Sections 353, 332 of the Indian Penal Code. The major punishment imposed on him was for one month and fine amount of Rs.5,000/-.

2. Learned counsel for the applicant submitted that the applicant was on bail during trial and he has not misused the liberty. He further submitted that the prosecution case is not true and infact the applicant himself was beaten by Police Officials and they had lodged a false case against him.
3. Learned APP opposed this application. However, he could not controvert the fact that the sentence imposed is only one month.
4. I have considered these submissions and have perused the evidence of the Police Officials. The incident is dated 24.03.2020. The prosecution case is that when there were restrictions due to spreading of Corona Virus, the applicant was travelling in his car. He was stopped, but he did not co-operate. He pushed the Police Officials and abused them.

5. Learned counsel for the applicant submitted that the applicant examined himself as defence witness. All these issues can be decided during final hearing of the appeal. However, the appeal is not likely to be decided within a short time. Therefore, the applicant deserves to be released on bail. Applicant was also granted bail after his conviction under Section 389 of the Code of Criminal Procedure by the trial Court.

6. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.1091 of 2022, the Applicant is directed to be released on bail on his furnishing PR. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only), with one or two sureties in the like amount.
- (ii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)