

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

**INTERIM APPLICATION NO.3720 OF 2022
IN
CRIMINAL APPEAL NO.1101 OF 2022**

Mayur Chandrakant Zagade and Anr. Applicants

versus

State of Maharashtra Respondent

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- Mr. Rahul S. Kate, Advocate for Appellant.
- Mr. P. H. Gaikwad, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 18th NOVEMBER, 2022**

P.C. :

1. This is an Application for bail pending Appeal. The Applicants were convicted for commission of offence punishable under Sections 353 and 332 read with Section 34 of the Indian Penal Code. The major punishment imposed on them was for three months besides imposition of fine.

2. Learned counsel for the Applicants submitted that the sentence is short and the Appeal is not likely to be decided

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within that period. The injury certificate of the alleged victim is not produced on record. The independent witness has not deposed about the ingredients of Sections 353 and 332 of the Indian Penal Code.

3. Learned APP submitted that the incident is described by PW Nos.1 and 2 who were Driver and Conductor of the ST Bus. There is no reason to disbelieve them.
4. I have considered these submissions. I have perused the depositions. The Appeal is already admitted. It may not be decided within three months. The applicants were on bail during trial and they have not misused the liberty. Even after their conviction they were granted bail under Section 389 of the Code of Criminal Procedure.
5. Considering these aspects, the Applicants deserve to be released on bail pending Appeal.

6. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.1101 of 2022, the Applicants are directed to be released on bail on their furnishing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only) each, with one or two sureties each in the like amount.
- (ii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)