

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

**INTERIM APPLICATION NO.3735 OF 2022
IN
CRIMINAL APPEAL NO.1104 OF 2022**

Tanaji Somaji Jadhav Applicant
Versus
The State of Maharashtra & Ors. Respondents

Mr. M.A. Choudhari, Advocate for the Applicant.
Mr. S.R. Agarkar, APP for the Respondent No.1-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 15th NOVEMBER, 2022

P.C. :

1. This is an application for bail pending hearing and final disposal of Criminal Appeal No.1104/2022.

2. The applicant was convicted and sentenced by the Additional Sessions Judge, Solapur vide his judgment and order dated 20.10.2022 passed in Sessions Case No.178/2015. The applicant was the original accused No.2 who was convicted for commission of offence punishable

under Section 324 of IPC and was sentenced to suffer RI for one year and to pay fine of Rs.500/- and to suffer further imprisonment for 15 days in default of payment of fine. He was directed to pay compensation amount of Rs.25,000/- to one of the injured Ankush Salgude who is respondent No.2 herein.

3. Apart from the appellant, his son accused No.1 Sachin Jadhav also faced the trial and he was convicted under Section 326 of IPC. The major sentence imposed on him was for five years.

4. Learned counsel for the applicant submitted that the applicant was on bail during trial and even after his conviction he was granted bail by the learned trial Judge under Section 389 of Cr.PC. The applicant has deposited the compensation amount as well as the fine amount before the trial Court.

5. He submitted that much lesser role is attributed

to the applicant and he is supposed to have assaulted the injured respondent No.2 with a stone on head and leg. The doctor has described the injury as simple injury. However, whether the stone used by him would fall within the weapons mentioned under Section 324 of IPC would be a debatable question. He, therefore, submitted that the applicant be granted bail during pendency of appeal.

6. Learned APP opposed this application. However, he conceded that the sentence imposed is short.

7. I have considered these submissions. The sentence imposed is short. It is only for one year. The appeal is not likely to be decided within that period. According to learned counsel for the applicant, the applicant has deposited the compensation amount and the fine amount. The applicant was on bail during trial and even after conviction he was granted bail under Section 389 of Cr.P.C. The role attributed to him is much lesser. There is no conviction recorded against him with aid of Section 34 of

IPC for the act committed by his son accused No.1.

8. Considering all these aspects, the applicant can be granted bail pending appeal. Hence the following order :

:: O R D E R ::

- i. During pendency and final disposal of Criminal Appeal No.1104/2022, the applicant is directed to be released on bail on his furnishing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii. Interim Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)