

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

**INTERIM APPLICATION NO.3959 OF 2022
IN
CRIMINAL APPEAL (ST) NO.20116 OF 2022**

Gajanan Prabhakar Salokhe	 Applicant
versus	
State of Maharashtra	 Respondent

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- Mr. Anand S. Patil, Advocate for Applicant.
- Mr. S. R. Agarkar, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 29th NOVEMBER, 2022**

P.C. :

1. This is an Application for bail pending final disposal of Criminal Appeal (ST) No.20116 of 2022 filed by the Applicant challenging the judgment and order dated 02.09.2022 by learned Additional Sessions and Special Judge, Kolhapur in Sessions Case No.44 of 2017.

2. The Applicant was convicted for commission of offence punishable under Sections 355, 323 of the Indian Penal Code.

The major punishment imposed on him was for three months

besides imposition of fine. He was acquitted from the offence punishable under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Learned counsel for the Applicant submitted that on merits, he has a good case. There was a delay of seven days in approaching the police with his grievance by the first informant. The offence is not true. Basically, there was a quarrel between children of the first informant and the Appellant. He is needlessly roped in. He submitted that the sentence is short. The Applicant was on bail during trial. He has not misused that liberty. Even after conviction, he was granted bail under Section 389 of the Code of the Criminal Procedure.

4. Learned APP on merits submitted that there is concrete evidence of the teachers from the school where the incident had taken place. However, he conceded that the sentence is short.

5. I have considered these submissions. The manner in which the incident had allegedly taken place is a quite disturbing. Therefore, though I am granting bail because of short sentencing, all these factors will have to be decided at the final hearing stage. At the same time, considering the nature of allegations certain conditions will have to be imposed on the Applicant.

6. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal (ST) No.20116 of 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) The Applicant shall attend the concerned police station once every month for the period of nine months from today.

(ii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)