

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

**INTERIM APPLICATION NO. 1970 OF 2022
IN
CRIMINAL APPEAL NO. 641 OF 2022**

Dattatray Shankar Bagade	..Applicant.
Versus	
The State of Maharashtra & Ors.	..Respondents

Mr. S. S. Aradhye a/w. Gauri Velankar for Applicant.

Mr. S. R. Agarkar, APP for State/Respondent No.1.

Mr. Kartik Rajashekhar (Appointed Advocate) for Respondent Nos.2 and 3.

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

PC :

1. This is an application for bail. The Applicant was convicted for commission of offence punishable under sections 323 of the I.P.C. r/w. Section 3(2)(va) and Section 3(1)(r) and (s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act (for short 'SC & ST Act'). The major sentence imposed on him was for six months simple imprisonment, besides imposition of fine. He was acquitted from the Charges of

commission of offence punishable under section 302 of I.P.C. r/w. Section 3(2)(v) of SC & ST Act and U/s.7(1)(d) r/w. Section 10 of the Protection of Civil Rights Act.

2. Learned counsel for the Applicant submitted that the medical opinion shows that the head injury attributed to the applicant was not the direct cause of the death of deceased. He submitted that the entire incident is doubtful. According to him, since the sentence is short, the applicant deserves to be released on bail.

3. Learned APP, as well as, learned counsel for the Respondent Nos.2 and 3, though, opposed this application, they could not controvert the fact that the sentence imposed is short. As submitted by both the parties, the sentence indeed is short. The maximum sentence is for six months. The Appeal is not likely to be decided during that period. Therefore, the applicant deserves to be released on bail during pendency of this appeal.

4. Hence, the order:

O R D E R

- i) During pendency and final disposal of Criminal Appeal No.641 of 2022, the applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)