

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

**INTERIM APPLICATION NO.2433 OF 2022
IN
CRIMINAL APPEAL NO.736 OF 2022**

Pratik Ramesh Shinde Applicant
Versus
The State of Maharashtra Respondent

Ms. Rachita Dhuru, Advocate i/b. P.Y. Shankar a/w. Sandhya Yaday, for the Applicant.

Smt. Veera Shinde, APP for the Respondent-State.

**CORAM :SARANG V. KOTWAL, J.
DATE : 26th JULY, 2022**

P.C. :

1. This is an application for suspension of sentence pending hearing and final disposal of Appeal No.736/2022. The appeal is already admitted.

2. The applicant was convicted for commission of offence punishable under Section 353 of IPC and was sentenced to suffer RI for six months and to pay fine of Rs.2,000/- and in default of payment of fine to suffer SI for one month. He was also convicted for the offence

punishable under Section 332 of IPC and was sentenced to suffer RI for six months and to pay fine of Rs.2,000/- and in default of payment of fine to suffer further SI for one month. The sentences were directed to run concurrently. He was acquitted of the charges of commission of offence punishable under Sections 504, 506, 427 of IPC. He was given benefit of set-off under Section 428 of Cr.PC..

3. The prosecution case is that on 22.12.2019 when the first informant was driving his S.T. bus, the applicant was a passenger. According to the applicant, the bus was driven in a rash manner and, therefore, he requested the informant to slow down. He refused and the quarrel ensued. It is the prosecution case that the applicant held the informant's collar and started beating him with fist blows. The informant sustained injuries on his neck and right palm. The Bus-Conductor Amol Thite and other passengers intervened. The applicant could not be controlled. Thereafter the bus was taken to police station and the FIR was lodged.

4. During trial, the prosecution examined PW-1 the

informant, PW-2 Jagannath Chuneekar and PW-3 Amol Thithe, as their important witnesses. PW-3 Amol Thite was Bus-Conductor and PW-2 Jagannath Chuneekar was a co-passenger. They had consistently deposed against the applicant. The medical evidence shows that there were scratch marks on the neck and chest of the first informant. This, in short, is the prosecution case.

5. Heard Smt Ruchita Dhuru, learned counsel for the applicant and Smt Veera Shinde, learned APP for the State.

6. Learned counsel for the applicant submitted that the applicant is a young boy of 22 years of age. The scratch marks could be self-inflicted and the incident had not taken place.

7. Learned APP, on the other hand, relied on the evidence of eye witnesses and also on the medical evidence.

8. All these aspects will have to be decided at the final hearing stage. However, the sentence awarded to the applicant is only of six months as the maximum sentence.

The appeal is not likely to be heard within that period. The applicant was on bail during trial and there are no allegations that he had misused that liberty. Therefore, he can be granted bail during pendency and final disposal of appeal.

9. Hence the following order :

:: O R D E R ::

- i. During hearing and final disposal of Criminal Appeal No.736/2022, 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. Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)

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