

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

**INTERIM APPLICATION NO.2657 OF 2022
IN
CRIMINAL APPEAL NO.793 OF 2022**

Mahendra Eknath Mahimkar Appellant

versus

State of Maharashtra Respondent

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- Mr. Gaurav Parkar, Advocate for Applicant.
- Smt. J. S. Lohokare, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 12th AUGUST, 2022**

P.C. :

1. This is an application for bail pending final disposal of the Criminal Appeal. The Applicant was convicted for commission of offence punishable u/s 353 of the Indian Penal Code and was sentenced to suffer rigorous imprisonment for six months and to pay a fine of Rs.2,000/- and in default of payment to suffer further simple imprisonment for one month. He was acquitted from the charges of commission of offence

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punishable u/s 270 and 188 of the Indian Penal Code and 51-A of the Disaster Management Act.

2. Heard Mr. Gaurav Parkar, learned counsel for the Applicant and Smt. J. S. Lohokare, learned APP for the State.
3. Learned counsel for the Applicant submitted that the maximum sentence is six months and the Appeal is not likely to be taken up for final hearing within a short period. He further submitted that the offence punishable u/s 353 of the IPC is not made out because there is no criminal force involved. It is only a verbal exchange.
4. Learned APP has opposed this application.
5. I have considered these submissions and I have perused the statement of P.W.1. She was a lady police constable. She had lodged the FIR. The narration in the deposition does mention that it was a verbal altercation. The maximum sentence is only

six months. The Appeal is not likely to be heard within a short period. Therefore the Applicant has made out case for his release on bail during pendency of final hearing and disposal of the Appeal.

6. Hence, the following order :

ORDER

- (i) During pendency of final hearing and disposal of the Criminal Appeal No.793 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) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)