

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

**INTERIM APPLICATION NO.2690 OF 2022
IN
CRIMINAL APPEAL NO.809 OF 2022**

Nisha Nitin Thakur and others Applicants
Versus
The State of Maharashtra Respondent

Mr. Gaurav Parkar, Advocate , for the Applicants.
Smt. M.R. Tidke, APP for the Respondent-State.

CORAM :SARANG V. KOTWAL, J.

DATE : 17th AUGUST, 2022

P.C. :

1. This is an application for bail pending hearing and final disposal of Criminal Appeal No.809/2022.

2. The applicants are convicted and sentenced by the Additional Sessions Judge, Raigad at Alibag vide his judgment and order dated 2.7.2022 passed in Sessions Case No.27/2021. The applicants were convicted for commission of offence punishable under Section 353 read with 34 of IPC

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and were sentenced to suffer RI for six months and to pay fine of Rs.2,000/- each and in default of payment of fine to suffer further SI for one month. All the applicants were convicted for commission of offence punishable under Section 332 read with 34 of IPC and were sentenced to suffer RI for six months and to pay fine of Rs.2,000/- each and in default of payment of fine to suffer further SI for one month. The applicants were acquitted from the charges of commission of offence punishable under Section 504 read with 34 of IPC. The substantive sentences were directed to run concurrently. They were given benefit of set-off under Section 428 of Cr.PC.

3. Heard Shri Gaurav Parkar, learned counsel for the applicants and Smt. M.R. Tidke, learned APP for the State.

4. Learned counsel for the applicants states that the fine amount is already paid by the applicants. He submitted that there are no independent witnesses examined by the prosecution. The stick is not recovered. There is serious

doubt about the injuries caused to the first informant.

5. Learned APP opposed this application. However, she conceded that the sentence is short.

6. I have considered these submissions and I have also perused the deposition of the first informant Lalit Thakur, who was examined as PW-1. He was working as a Technician in MSEDCL, Pen, Raigad. The incident occurred on 19.5.2021 in two parts. In the morning, all the accused abused the first informant who was trying to repair the damaged electricity line. The main incident occurred at 3.30 p.m. to 4.00 p.m., at that time the applicant Shobha was not present, but, there are allegations that when the first informant climbed a pole to repair the electricity line, the applicant Nisha hit him with a stick on his left leg.

7. As rightly submitted by learned counsel for the applicants, the sentence is short and the appeal is not likely to be taken up for final hearing during that period. The contentions raised by the applicants will have to be considered at the stage of final hearing.

8. In these circumstances, the applicants can be granted bail during pendency of the appeal. They have already paid the fine. Hence, the following order :

:: O R D E R ::

- i. During hearing and final disposal of Criminal Appeal No.809/2022, the applicants are directed to be released on bail on their furnishing P.R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- ii. Interim Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)