

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

**INTERIM APPLICATION NO.2862 OF 2022
IN
CRIMINAL APPEAL NO.865 OF 2022**

Kiran Subhash Ahire Applicant
Versus
The State of Maharashtra Respondent

Mr. Amit Icham, Advocate for the Applicant.
Mr. R.M. Pethe, APP for the Respondent-State.

**CORAM : SARANG V. KOTWAL, J.
DATE : 30th AUGUST, 2022**

P.C. :

1. This is an application for suspension of sentence and release of the applicant on bail during pendency and final disposal of Criminal Appeal No.865/2022.

2. The applicant was convicted by the learned Additional Sessions Judge, Malegaon, District-Nashik vide his judgment and order dated 3.8.2022 passed in Sessions Case No.25/2020. The applicant was convicted for commission of offences punishable under Sections 353, 332 and 504 of the Indian Penal Code. The maximum sentence

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imposed on him was of two years apart from imposition of fine.

3. Heard Shri Amit Icham, learned counsel for the applicant and Shri R.M. Pethe, learned APP for the State.

4. Learned counsel for the applicant submitted that the sentence imposed on the applicant is short and the appeal is not likely to be heard within a reasonable period. The incident is old. It had taken place on 4.5.2013. The applicant is falsely implicated because the informant was trying to act beyond his duties and power.

5. Learned APP though opposed this application on merits, but conceded that the sentence imposed is short.

6. The points raised in the appeal are to be decided at the final hearing stage. The appeal is not likely to be heard within a short period. The sentence imposed is short. The applicant was on bail during trial and even after conviction he was granted temporary bail by the trial Court under Section 389(3) of Cr.P.C. Therefore, the applicant can be released on bail during pendency and final disposal of the

appeal. Hence the following order :

:: O R D E R ::

- i. During pendency and final disposal of Criminal Appeal No.865/2022, 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 is disposed of accordingly.

(SARANG V. KOTWAL, J.)