

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

**INTERIM APPLICATION NO.3118 OF 2022
IN
CRIMINAL APPEAL NO.937 OF 2022**

Baban @ Suryabhan Bhagwan Ubale Applicant
Versus
The State of Maharashtra & Anr. Respondents

Mr. M.A. Choudhari, Advocate for the Applicant.
Mr. P.H. Gaikwad, APP for the Respondent No.1-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 22nd SEPTEMBER, 2022

P.C. :

1. This is an application for bail during pendency and final disposal of the Appeal.

2. The applicant was convicted for commission of offence punishable under Section 323 of IPC and was sentenced to suffer RI for one month and to pay fine of Rs.1,000/- and in default of payment fine to suffer SI for one month. The appellant was acquitted from the charges of commission of offence punishable under Sections 326, 506 of IPC, under Section 3(1)(10) of the Scheduled Castes and

the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Section 7(1)(d) of the Protection of Civil Rights Act. The amount of fine was directed to be paid to the respondent No.2 under Section 357 of Cr.P.C.

3. Heard Shri M.A. Choudhari, learned counsel for the applicant and Shri P.H. Gaikwad, learned APP for the State.

4. The allegations are that the incident took place on 3.1.2016. There are allegations that the applicant raised dispute about the land and threatened that he would obtain the complainant's land as well. Then he abused her with reference to her caste. However, all these allegations were held to be not proved, except assault on the complainant causing injuries which would attract Section 323 of IPC.

5. Learned counsel for the applicant submitted that he was on bail during trial and has not misused the same and even after his conviction he was granted bail by the trial Court under Section 389(3) of Cr.P.C.

6. Learned APP opposed the application, but, he

could not controvert the fact that the sentence is very short.

7. I have considered these submissions and also perused the impugned judgment. The sentence imposed on the applicant is maximum of one month and the appeal is not likely to be decided during that period. The fine amount, according to the learned counsel, is already paid.

8. Considering these aspects, the applicant can be released on bail pending appeal. Hence the following order :

:: O R D E R ::

- i. During pendency and final disposal of Criminal Appeal No.937/2022, 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.)

Deshmane (PS)

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by
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PRAKASHRAO
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2022.09.23
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