

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

**INTERIM APPLICATION NO. 3214 OF 2022
IN
CRIMINAL APPEAL NO. 960 OF 2022**

Bhimdeo Rama Gavhane and Ors. Applicants.
Versus
The State of Maharashtra Respondent.

Ms. Neha R. Kokare, Advocate for the applicants.
Mr. Yogesh Y. Dabke, APP for the Respondent-State.

**CORAM : SARANG V. KOTWAL, J.
DATE : 28th SEPTEMBER, 2022**

P.C. :

1. This is an application for bail pending appeal. The appeal is filed by the original accused Nos.1 to 3. They were convicted vide judgment and order dated 30.8.2022 by the Additional Sessions Judge, Baramati, District-Pune in Sessions Case No.16/2018. They were originally charged for commission of offence under Section 307 read with 34 of IPC but they were acquitted from that charge and instead were convicted for the offence punishable under Section 324 read with 34 of IPC and all of them were sentenced to

suffer RI for two years. The operative part shows that all of them were in jail during trial almost for a period of two months. The case pertains to the injuries suffered by PW-1 Bapu Gavhane. The accused and the victim were closely related and because of dispute regarding use of road towards their agricultural land the victim was threatened and this incident took place on 07.09.2017. After threatening PW-1, the appellant No.3 dashed against the victim's two-wheeler. He suffered injuries. Appellant No.2 assaulted him with iron rod. The medical certificate shows that the victim had suffered fractures and had right foot crush injury. The conviction was recorded only under Section 324 of IPC. Learned Judge reached conclusion that the offence under Section 307 of IPC was not made out.

2. Considering the short sentence and also taking into account the fact that the appeal is not likely to be decided within that period, the applicant deserves to be released on bail during pendency of the appeal. All the issues discussed in this order and which are subject matter of the appeal are

left open to be decided at the final hearing stage. Hence the following order

:: O R D E R ::

- i. During pendency and final disposal of Criminal Appeal No.960/2022, 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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