

Anand

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

**INTERIM APPLICATION NO. 3244 OF 2022
IN
CRIMINAL APPEAL NO. 966 OF 2022**

Ajit Namdev Thakare .Applicant

Vs.

The State of Maharashtra .Respondent

Ms Sandhya A. Mailagir i/b. Mr. Anil D. Joshi, Advocate, for
the Applicant

Mrs. M. R. Tidke, APP, for the Respondent – State

CORAM : SARANG V. KOTWAL, J.

DATE : 29.09.2022

P. C.

. This is an Application for bail pending the hearing and final disposal of the Cri. Appeal No. 966 of 2022 preferred by the Applicant. The Applicant was convicted by the learned Additional Sessions Judge, Kalyan vide Judgment & Order dated 29.08.2022 passed in Sessions Case No. 262 of 2018 for the offences punishable under Sections 325, 333, 279 of the Indian Penal Code and under Section 184 of the Motor Vehicle Act. The major sentence imposed on him was for two years besides imposition of fine.

2. Learned counsel for the Applicant submitted that the Applicant was on bail during trial. He has paid fine amount. The Applicant has not misused liberty granted to him. Even after his conviction, the Applicant was granted temporary bail under Section 389(3) of the Code of Criminal Procedure. On merits, she submitted that there are no independent witnesses examined by the prosecution to prove that the incident had taken place during traffic hours. She submitted that all the witnesses were police officers and there is no independent corroboration.

3. Learned APP opposed the Application. The case pertains to the incident dated 07.06.2013 which took place near the Kalyan Railway Station. When PW-2, API, Deshmukh was on duty at about 8.30 p. m., one car came from the wrong side and dashed against PW-2. He fell down causing injury in the nature of fracture. On merits, some arguable points are raised which will have to be decided during the final disposal of the Appeal. The Applicant was on bail during the trial. He has not misused liberty granted to him. Even after his conviction he was granted temporary

bail under Section 389(3) of the Code of Criminal Procedure.
The Appeal is not likely to be decided within the stipulated period.

4. Considering all these aspects, the Applicant deserves to be released on bail.

5. Hence, the following order.

ORDER

(i) During pendency and final disposal of Cri. Appeal No. 966 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) Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)