

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

**INTERIM APPLICATION NO. 3431 OF 2022
IN
CRIMINAL APPEAL NO. 1000 OF 2022**

Jayvant Prabhakar Bhosale	..Appellant
Versus	
The State of Maharashtra & Anr.	..Respondents

Mr. Rahul M. More for Appellant.
Smt. M. R. Tidke, APP for State/Respondent No.1.

CORAM : SARANG V. KOTWAL, J.
DATE : 21st OCTOBER 2022

PC :

1. The Applicant is convicted by learned Assistant Sessions Judge, Panvel-Raigad vide his Judgment and order dated 29/07/2022 passed in Sessions Case No.66 of 2020. The applicant was convicted for commission of offences punishable under sections 332, 353 and 506 of I.P.C. The major sentence imposed on him was for one year besides imposition of fine.

2. Learned counsel for the applicant submitted that the applicant was on bail during trial and he has not misused the same. Even after his conviction the applicant is granted bail under

the provision of Section 389 of Cr.p.c. He further submitted that, on merits he has a good case. The incident is dated 12/09/2011. According to the first informant the incident had occurred in presence of Vijay Gawade and Ankush Naik. According to the prosecution case, both of them had rescued the first informant from the attack by the applicant. However, none of these two persons is examined. The prosecution has only examined the first informant and the investigating officer.

3. Learned APP submitted that the offence is proved through the evidence of informant, however, she conceded that the sentence is short.

4. I have considered these submissions. On merits, the applicant has raised arguable points. There is no plausible reason as to why other two eye witnesses were not examined. The sentence imposed is short. The Appeal is not likely to be decided within that short period. Therefore, the Applicant deserves to be released on bail. He was on bail during trial and there are no allegations that he has misused that liberty.

5. Hence, the following order:

O R D E R

- i) During pendency and final disposal of Criminal Appeal No.1000 of 2022, the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30000/- with one or two sureties in the like amount.
- ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)