

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

**INTERIM APPLICATION NO.3686 OF 2022
IN
CRIMINAL APPEAL NO.1090 OF 2022**

Shankar Rajaram Dhumal
and Ors.

.... Applicants

versus

State of Maharashtra

.... Respondent

.....

- Mr. Umesh H. Pawar, Advocate for Applicants
- Mr. P. H. Gaikwad, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 10th NOVEMBER, 2022

P.C. :

1. The applicants were the original accused Nos.1, 3, 4 and 8 to 11. They were convicted for the offence punishable under Sections 143, 147 and 323 read with 149 of the Indian Penal Code. The major sentence imposed on them was for two months besides imposition of fine.

2. Learned counsel for the applicants submitted that the sentence is short. The applicants were on bail during trial and they have not misused the liberty. Even after their conviction they were granted bail under Section 389 of the Code of Criminal Procedure. He submitted that the evidence is inconsistent.
3. Learned APP, submitted that the conviction awarded under Section 323 is not proper and they should have been convicted for higher offence. However, he could not controvert the fact that the sentence imposed is only two months.
4. Considering this submission and also taking into account that the applicants were on bail during trial and that the appeal is not likely to be decided within two months, the applicants can be granted bail.
5. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.1090 of 2022, the

Applicants are directed to be released on bail on their furnishing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only) each, with one or two sureties each in the like amount.

- (ii) The applicants shall attend the concerned police station once in fortnight for a period of 18 months from today.
- (iii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)