

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

**INTERIM APPLICATION NO.3764 OF 2022
IN
CRIMINAL APPEAL NO.1113 OF 2022**

Chidanand Rajshekhar Birajdar Applicant

versus

State of Maharashtra Respondent

.....

- Mr. Vikrant V. Phatate, Advocate for Applicant.
- Mr. S. R. Agarkar, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 16th NOVEMBER, 2022**

P.C. :

1. This is an application for bail pending final disposal of the Criminal Appeal No.1113 of 2022 preferred by the Applicant. The Applicant was convicted for commission of offence punishable u/s 3 r/w 25 of the Indian Arms Act and was sentenced to suffer rigorous imprisonment for one year and to pay a fine of Rs.1,000/- and in default of payment of fine to suffer further imprisonment for one month.

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2. Heard Mr. Vikrant V. Phatate, learned counsel for the Applicant and Mr. S. R. Agarkar, learned APP for the State.
3. Learned counsel for the Applicant submitted that the alleged incident is dated 03/01/2013. In the prearranged trap the Applicant was apprehended carrying weapon without license. It was a country-made gun. He submitted that the Pancha who was examined by the prosecution has not supported the case. The Applicant was on bail during the trial. The sentence is short and the matter is not likely to be decided in that short period. He therefore prays for releasing him on bail during pendency of the Appeal.
4. Learned APP on merits opposed this application. However he conceded that the sentence is short.
5. I have considered these submissions. The offence is old which had taken place in the year 2013. The sentence is short and the Appeal is not likely to be decided during that period.

Therefore the Applicant deserves to be released on bail in these circumstances.

6. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.1113 of 2022, the Applicant is directed to be released on bail on his furnishing PR. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only), with one or two sureties in the like amount.
- (ii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)