

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

**INTERIM APPLICATION NO. 3971 OF 2022  
IN  
CRIMINAL APPEAL NO. 1155 OF 2022**

|                          |              |
|--------------------------|--------------|
| Vasant Khandu Bhamare    | ..Appellant  |
| Versus                   |              |
| The State of Maharashtra | ..Respondent |

Mr. Kishore Patil i/b. Mr. Amol Mhatre for Appellant.  
Mr. S.R. Agarkar, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.  
DATE : 29<sup>th</sup> NOVEMBER 2022**

**PC :**

1. The applicant is praying for his release on bail pending final disposal of his Criminal Appeal No.1155 of 2022. The Applicant was convicted and sentenced by learned Additional Sessions Judge, Malegaon vide his Judgment and order dated 04/11/2022. He was convicted for commission of offence punishable under section 353 r/w. 34 of I.P.C. and was sentenced to suffer R.I. for one year and to pay a fine of Rs.10000/- and in default of payment of fine to suffer S.I. for 1 month. He was also convicted for commission of offence punishable U/s.332 r/w. 34 of

the I.P.C. and was sentenced to suffer R.I. for two years and to pay a fine of Rs.10000/- and in default of payment of fine to suffer S.I. for three months.

2. The prosecution case is that the first informant Devkate was Talathi of village Lakhampur. The incident took place in the night of 23/06/2017 when on prior information he along with his staff intercepted two tractors. They were carrying sand unauthorisedly. Those tractors were intercepted. The drivers called somebody. Then the applicant and others came there. The applicant claimed that, he was office bearer of Panchayat Samiti. It is alleged that, he along with others assaulted PW-2 and his driver. They also took out his cash amount and wrist watch. On this basis the F.I.R. was lodged.

3. Learned counsel for the applicant submitted that, there is serious dispute about the medical certificates. There is over-writing on the medical certificates. The prosecution has not led proper evidence as to on which exact date the injured were examined. The prosecution case is false. The applicant is

implicated because of local politics and because applicant was making complaints against the Tahsildar. He submitted that, the applicant was on bail during trial and there are no offences pending against him. He submitted that, after his conviction also the trial Court has released him on bail U/s.389 of the Cr.p.c. He further submitted that the sentence is short and, therefore, prayed for his release on bail pending his Appeal.

4. Learned APP opposed this application on merits. He invited my attention to the medical certificates annexed to the Appeal memo which shows that PW-2 and his driver had suffered injuries at the hands of accused.

5. All these issues will have to be decided at the final hearing stage. However, 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 pending his Appeal.

6. Hence, the order:

O R D E R

- i) During pendency and final disposal of Criminal Appeal No.1155 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 applicant shall attend the concerned police station once in a month for a period of Nine months from today.
- iii) The application is disposed of.

**(SARANG V. KOTWAL, J.)**