

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

**INTERIM APPLICATION NO. 4077 OF 2022  
IN  
CRIMINAL APPEAL NO. 1179 OF 2022**

|                          |              |
|--------------------------|--------------|
| Vijay Jibhau Aher        | ..Applicant  |
| Versus                   |              |
| The State of Maharashtra | ..Respondent |

Mr. Akshay Bankapur for Applicant.  
Mr. S. R. Agarkar, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.  
DATE : 12<sup>th</sup> DECEMBER 2022**

**PC :**

1. This is an application for bail pending final disposal of Criminal Appeal No.1179 of 2022 preferred by the applicant. The Applicant was convicted and sentenced by learned Additional Sessions Judge-9, Nashik by his Judgment and order dated 19/10/2022 passed in Sessions Case No.445 of 2019. At the conclusion of the trial, the applicant was convicted for commission of offence punishable under sections 332, 504, 506 and 427 of the I.P.C. The major punishment imposed on him was R.I. for 6 months, besides imposition of fine.

2. Learned counsel for the Applicant submitted that, during trial, the applicant was on bail and he had not misused that liberty. Even after his conviction the applicant is granted bail under section 389 of the Cr.p.c. He submitted that, the prosecution had examined three witnesses in support of its case who had allegedly seen the incident. PW-1 was the victim, PW-3 was a Watchman and PW-4 was another eye witness. He submitted that, PW-3 has not supported the prosecution case and PW-4 was working in the same office, therefore they are interested witnesses.

3. All these issues will have to be decided at the final hearing stage. The sentence is short and the Appeal is not likely to be decided within that period. Therefore, the Applicant can be granted bail during pendency and final disposal of his Appeal.

4. Hence, the following order:

#### O R D E R

- i) During pendency and final disposal of Criminal Appeal No.1179 of 2022, the Applicant is directed to be released on his furnishing 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 next three months.

iii) The Application is disposed of.

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