

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

**INTERIM APPLICATION NO.4140 OF 2022  
IN  
CRIMINAL APPEAL NO.1191 OF 2022**

Tanaji Namdeo Yadav .... Applicant

versus

State of Maharashtra .... Respondent

.....

- Mr. Shailesh Chavan i/b. Milind Deshmukh, Advocate for Applicant.
- Mr. S. R. Agarkar, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.  
DATE : 06<sup>th</sup> DECEMBER, 2022**

**P.C. :**

1. The Applicant is convicted by the Additional Sessions Judge, Baramati, vide Judgment and Order dated 17/10/2022 passed in Sessions Case No.137/2019. The major punishment was 3 months besides imposition of fine.

2. Heard Mr. Shailesh Chavan, learned counsel for the Applicant and Mr. S. R. Agarkar, learned APP for the State.

Digitally  
signed by  
MANUSHREE  
V  
NESARIKAR  
Date:  
2022.12.08  
11:18:51  
+0530

3. Learned counsel submitted that he has good case on merits. He submitted that the procedure for taking blood sample is not followed. There are no independent witnesses. The Applicant was on bail during trial. The alleged incident is dated 10/04/2015. Even after his conviction he was granted interim bail u/s 389 of Cr.P.C.
4. Learned APP opposed this application on merits. But he conceded that the sentence is short.
5. I have considered these submissions. The sentence is maximum 3 months. The Appeal is not likely to be decided within that period. The Applicant was on bail during trial. The incident is old. Considering all these aspects, the Applicant can be granted bail pending Appeal.
6. Hence, the following order :

**ORDER**

- (i) During pendency and final disposal of the Criminal Appeal No.1191 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.)**