

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

**INTERIM APPLICATION NO.726 OF 2023
IN
CRIMINAL APPEAL NO.160 OF 2023**

Vaibhav @ Ankal Kisan Thanke
and others Applicants
Versus
The State of Maharashtra Respondent

Mr. Rishi Ghorpade, Advocate a/w. Anup Patil, Siddharth Mehta, for the Applicants.

Smt. M.R. Tidke, APP for the Respondent-State.

**CORAM : SARANG V. KOTWAL, J.
DATE : 24th FEBRUARY, 2023**

P.C. :

1. This is an application for bail pending the applicants' appeal.

2. The applicants were the original accused Nos.1, 2, 4 to 9, 11, 13, 14, 18 and 20 to 22 in Special (Atrocity) Case No.36/2016 before the Special Judge, Satara. Vide his judgment and order dated 14.11.2022 passed in Special (Atrocity) Case No.36/2016, they were convicted for commission of the offences punishable under Sections 143, 323 read with 149 and 325 read with 149 of IPC. The major

sentence imposed on them was simple imprisonment for one month each, besides imposition of fine.

3. Heard Shri Rishi Ghorpade, learned counsel for the applicants and Smt. M.R. Tidke, learned APP for the respondent-State.

4. The incident had taken place on 25.6.2016 at about 6.45 p.m. There are allegations that the applicants assaulted PW-1 Gangaram Randive's group. There were five injured. On this basis, the investigation was carried out.

5. Learned counsel for the applicants submitted that all the witnesses examined by the prosecution were belonging to the complainants' group. Therefore, they are the interested witnesses. No independent witnesses are examined. There is a strong possibility of exaggeration and over implication of many accused. The applicants were acquitted from the charges of commission of the offence punishable under the Atrocities Act. The applicants were on bail during trial and they have not misused that liberty. Even after their conviction, they are granted bail under Section 389 of Cr.P.C.

6. Learned APP opposed this application on merits. However, she conceded that the sentence imposed is short.

7. I have considered these submissions. The issues raised by learned counsel for the applicants will have to be decided during final hearing stage. However, the sentence imposed is very short and the appeal is not likely to be decided within that period. The applicants were on bail during trial. They were granted bail even after their conviction for a short period.

8. Considering all these aspects, this application is allowed with following order :

:: O R D E R ::

- i. During pendency and final disposal of Criminal Appeal No.160/2023, the applicants are directed to be released on bail on their furnishing P.R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- ii. Interim Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)