

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

**INTERIM APPLICATION NO.801 OF 2023
IN
APPEAL NO.232 OF 2023**

Shripad @ Nanu Krushnhari Injamuri .. Applicant
Versus
The State of Maharashtra ... Respondent

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

**CORAM : SARANG V. KOTWAL, J.
DATE : 2nd MARCH, 2023**

P.C. :

1. This is an application for bail pending the applicant's Criminal Appeal No.232/2020. The appellant was convicted and sentenced by Additional Sessions Judge, Solapur vide his judgment and order dated 4.2.2023 in Sessions Case No.171/2021.

2. The applicant was convicted for the commission of the offence punishable under Section 307 of IPC and was sentenced to suffer RI for three years and to pay fine of Rs.1,000/- and in default of payment of fine to suffer SI for

one month.

3. Heard Shri Vikrant Phatate, learned counsel for the applicant and Shri S.R. Agarkar, learned APP for the respondent-State.

4. Learned counsel for the applicant submitted that the injured PW-1 Anand Manjeli has deposed that the applicant had caused the injuries with a blade on front side of his neck. However, the Doctor has deposed that those injuries were not possible by a sharp weapon. He invited my attention to the evidence of PW-5 Dr. Supriya Bhoj wherein she has mentioned three injuries which are described as contused lacerated wounds of the size 6 x 1 x 0.5 cm, 10 x 1 x 0.5 cm and 2 x 0.5 x 0.5 cm . The first two injuries were on the neck and the third injury was on the hand. She has deposed that those injuries were cut injuries and were caused by hard and blunt object. Learned counsel, therefore, submitted that the ocular evidence is contrary to the medical evidence and, therefore, the conviction is not correct.

5. He further submitted that the applicant was on bail during trial and even after conviction he was granted bail for a limited period under Section 389 of Cr.P.C. He, therefore, submitted that the applicant be granted bail pending disposal of his appeal.

6. Learned APP opposed these submissions. He submitted that the medical evidence does not appear to be proper. But, he conceded that the sentence imposed on the applicant is short.

7. I have considered these submissions. The doctor's evidence that those three cut injuries were caused by hard and blunt object is really difficult to understand, but, this will have to be decided at the final hearing stage . The points raised by the learned counsel for the applicant will have to be considered at the final hearing stage of the appeal. However, the sentence imposed is short and the appeal is not likely to be decided within that period. The applicant was on bail during trial and even after his conviction he was granted bail. There are no allegations of

misusing of that liberty by the applicant.

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

:: O R D E R ::

- i. During pendency and final disposal of Criminal Appeal No.232/2023, the applicant is directed to be released on bail on his furnishing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii. Interim Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)