

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

**INTERIM APPLICATION NO.4435 OF 2022
IN
CRIMINAL APPEAL NO.1272 OF 2022**

Prashant Chandrakant Kale Applicant

versus

State of Maharashtra Respondent

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- Mr. Kuldeep Nikam i/b. Prasad Avhad, Advocate for Applicant.
- Smt. M. R. Tidke, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 16th JANUARY, 2023**

P.C. :

1. This is an application for bail pending Applicant's Appeal which is admitted. The Applicant was the original accused No.1 in Special (Atrocity) Case No.5 of 2015 before the Additional Sessions Judge, Satara. By the impugned Judgment and Order dated 23/11/2022, the Applicant was acquitted from the charges for commission of offence punishable under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'Atrocities Act'). However, he was

convicted for the offence punishable u/s 420 of the Indian Penal Code and was sentenced to suffer simple imprisonment for one year and to pay a fine of Rs.5,000/- and in default of payment of fine to suffer imprisonment of one week.

2. Learned counsel for the Applicant submitted that the sentence is short. The Applicant was on bail during trial. He has not misused that liberty. Even after his conviction, he was granted bail u/s 389 of Cr.P.C. for a limited period. He submitted that the evidence itself shows that it is a civil dispute between the parties and no criminal offence is made out.

3. Learned APP conceded that the sentence is short.

4. I have considered these submissions. The Applicant is acquitted from the charges of offence punishable under the Atrocities Act. The sentence is short. He was on bail during trial. Even after his conviction, he was granted bail u/s 389 of Cr.P.C. The Appeal is not likely to be decided within that short period.

Therefore bail can be granted to the Applicant, pending his Appeal.

5. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.1272 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.)