

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

**INTERIM APPLICATION NO.4680 OF 2022
IN
CRIMINAL APPEAL NO.1312 OF 2022**

Dipak Bajirao Pisal Applicant
Versus
The State of Maharashtra Respondent

Mr. Shaishav Savla, Advocate i/b. Aadesh V. Konde-
Deshmukh for the Applicant.
Smt. M.R. Tidke, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 09th JANUARY, 2023

P.C. :

1. The applicant is seeking his release on bail during pendency and final disposal of his Criminal Appeal No.1312/2022.

2. Heard Shri Shaishav Savla, learned counsel for the applicant and Smt. M.R. Tidke, learned APP for the respondent-State.

3. The applicant was convicted and sentenced by

the Additional Sessions Judge, Satara vide his judgment and order dated 23.11.2022 passed in S.C. No.237/2019. The applicant was convicted for commission of the offences punishable under Sections 353, 332 of IPC. The major sentence imposed on him was for six months besides imposition of fine.

4. The prosecution case is that the complainant PW-2 Nitinkumar Wagh was working as Assistant Lineman at Piponde (Bk), Taluka-Koregaon. On 24.9.2014 there was disruption in electricity supply. The applicant called PW-2 telephonically and then went to the spot where PW-2 was present. It is alleged that the applicant then slapped him and gave fist blows in the informant's stomach. On this basis, the FIR is lodged. It is produced on record at Exhibit-27.

5. Learned counsel for the applicant submitted that the record shows that there were 10 to 15 people from the area who had gathered there and yet the prosecution has not examined any independent witness. The only other eye witness was PW-3 who was the colleague of PW-2. He

submitted that the applicant was not present at the spot and he is implicated because the applicant already had a dispute with PW-2's another colleague Manchalwar. He submitted that the sentence is short. The applicant was on bail during trial and he has not misused the same and even after his conviction he was granted bail under Section 389 of Cr.P.C.

6. Learned APP opposed this application on merits of the matter. But, she conceded that the sentence is short and the appeal is not likely to be decided within that period.

7. I have considered these submissions. The issue raised by learned counsel for the applicant will have to be decided at the final hearing stage. The applicant was on bail during trial. There are no allegations that he has misused that liberty. Even after his conviction he was granted bail under Section 389 of Cr.P.C. for some period. In this view of the matter, the applicant can be granted bail during pendency of his appeal. Hence, the following order :

:: O R D E R ::

- i. During pendency and final disposal of Criminal Appeal No.1312/2022, 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. The Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)