

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

**INTERIM APPLICATION NO.255 OF 2023
IN
CRIMINAL APPEAL NO.58 OF 2023**

Santosh Baban Bagal
versus
State of Maharashtra

.... Applicant
.... Respondent

.....

- Mr. Shreyas P. Barsawade i/b. Mr. Mahesh Zanwar, Advocate for Applicant.
- Smt. M. R. Tidke, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 23rd JANUARY, 2023**

P.C. :

1. This is an application for bail pending final disposal of the Appeal preferred by the Applicant. The Applicant was convicted and sentenced by the Additional Sessions Judge vide his Judgment and Order dated 22/11/2012 passed in Sessions Case No.67/2016.

- (i) The Applicant was convicted for commission of offence punishable u/s 324 of the Indian Penal Code and was sentenced to suffer rigorous imprisonment for six months and to pay a fine of

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Rs.5,000/- and in default of payment of fine to suffer simple imprisonment of one month.

- (ii) He was convicted for commission of offence punishable u/s 4 r/w 25 of the Arms Act and was sentenced to suffer rigorous imprisonment for one year and to pay a fine of Rs.5,000/- and in default of payment of fine to suffer simple imprisonment for one month.
- (iii) All the substantive sentences were directed to run concurrently.
- (iv) He was acquitted from the charges of offence punishable u/s 323, 504, 506 of the Indian Penal Code and u/s 37 r/w 135 of the Maharashtra Police Act.
- (v) The charge was also framed u/s 307 of the Indian Penal Code against the Applicant. But he was not convicted for that offence.
- (vi) His brother, who was the co-accused, was acquitted from all the charges.

2. Heard Mr. Shreyas P. Barsawade, learned counsel for the Applicant and Smt. M. R. Tidke, learned APP for the State.

3. Learned counsel for the Applicant submitted that the sentence imposed on the Applicant is short. The Applicant was on bail during trial and he has not misused the same. Even after his conviction he was granted bail u/s 389 of Cr.P.C. He submitted that on merits he has a good case. He is implicated falsely because of the previous enmity. The Medical Officer has mentioned that the injury was simple. The recovery of the sword is doubtful. It was not properly sealed.
4. Learned APP opposed this application on merits. But she conceded that the sentence is short.
5. I have considered these submissions. He has also attributed a specific role to the Applicant's co-accused Appasaheb Bagal. He was acquitted. On the same evidence the Applicant is convicted who is attributed a serious role. All this will have to be considered at the final hearing stage. The injury was on vital part and suturing was required. This will also have to be taken

into consideration at the final hearing stage. However, the sentence imposed is short. The Applicant was on bail during trial. There are no allegations of misuse of that liberty. Even after his conviction he was granted bail for a limited period.

6. Considering this background, the Applicant can be granted bail during pendency of his Appeal.
7. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.58 of 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 stands disposed of accordingly.

(SARANG V. KOTWAL, J.)