

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

**INTERIM APPLICATION NO. 631 OF 2023
IN
CRIMINAL APPEAL NO. 170 OF 2023**

1. Pravin @ Vilas Namdeo Kamble
2. Vinayak Madhukar Shinde ..Applicants.
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. Shailesh Chavan for Applicants.
Mr. S. R. Agarkar, APP for State/Respondent No.1.

**CORAM : SARANG V. KOTWAL, J.
DATE : 17 FEBRUARY 2023**

PC :

1. This is an application for bail pending final disposal of Appellants' Criminal Appeal No.170 of 2023. The appellants were the original accused Nos.1 and 2. Both of them were convicted for commission of offences punishable under sections 353 r/w.34, U/s.332 r/w. 34 and U/s. 427 r/w. 34 of the I.P.C. The major sentence imposed on them was for six months each; besides imposition of fine. The sentences were directed to run concurrently.

2. Learned counsel for the applicants submitted that the applicants are falsely implicated. The applicant No.1 is owner of the building and the prosecution witnesses i.e. PW-3 Sanjay Bandarkar and PW-4 Shabbir Bantmore were the tenants. They had illegal electricity connection. The applicant No.1 had filed a complaint against the Executive Engineer of the M.S.E.B. and, therefore, the employees of the M.S.E.B. were holding grudge against them. Out of that grudge, this false case is lodged against the applicants.

3. The prosecution case is that, on 30/06/2015, PW-2 Balaji Kendre who was working as Wire-man with M.S.E.B. had gone to connect the wires in the premises of the tenants. The applicants prevented him from doing that and assaulted him. His phone was also damaged. The prosecution relied on the evidence of PW-2 i.e. the first informant and PW-3 and PW-4 who were the tenants.

4. Learned counsel for the applicants submitted that, there were no injuries caused to the first informant. Both the applicants

were on bail during trial and they have not misused that liberty. Even after their conviction, the applicants are granted bail U/s.389 of the Cr.p.c. The sentence imposed is short.

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

6. I have considered these submissions. The issues raised by learned counsel for the applicants will have to be decided at the final hearing stage of the appeal. However, the sentence is short and the appeal is not likely to be decided within that period. Some arguable points are raised. The incident is old. It had taken place allegedly in the year 2015. More than 7 and half years have passed. Considering all these aspects, the applicants can be granted bail pending their appeal.

7. Hence, the following order:

ORDER

- i) During pendency and final disposal of Criminal Appeal No.170 of 2023, both the Applicants are

directed to be released on bail on their furnishing
P. R. bonds in the sum of Rs.30000/- each with
one or two sureties each in the like amount.

ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)