

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

**INTERIM APPLICATION NO.199 OF 2020
IN
CRIMINAL APPEAL NO.62 OF 2020**

Chakradhar Laxman Kaygude Applicant
Versus
The State of Maharashtra & Anr. Respondents

Mr. Pranav Bhoite, Advocate i/b. Devidas J. Jadhav, for the Applicant.

Smt. M.R. Tidke, APP for the Respondent No.1-State.

Mr. Rupesh A. Zade, Advocate a/w. Priyanka Gupta, for the Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.
DATE : 11th JANUARY, 2023**

P.C. :

1. This is an application for bail pending final disposal of Criminal Appeal No.62/2020 preferred by the applicant.

2. The applicant was convicted for commission of offence punishable under Sections 354, 504 and 506 of IPC and under section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for

short, 'Atrocities Act'). The major sentence imposed on him was for three years besides imposition of fine.

3. The prosecution case is that on 2.10.2013 at 9.30 a.m., when the respondent No.2 was proceeding towards her field, the appellant stopped her. He abused her with reference to caste and tore her blouse. He also beat her. On this basis, the FIR was lodged.

4. Learned counsel for the applicant submitted that there was a civil dispute between the parties which has travelled upto this Court by way of Second Appeal. Because of this civil dispute in respect of an area adjoining the agricultural field, this false case is lodged against the applicant. He submitted that the falsity of the prosecution case is clear from the fact that PW-3 was examined as an eye witness. She had not stated about the incident in her police statement. Thus, she is a got up witness. He, therefore, submitted that the applicant has a good case on merits.

5. He further submitted that the sentence awarded is short and the matter is not likely to be decided within that

period. He further submitted that the applicant was on bail during trial and has not misused the same. Even after his conviction, he was granted bail under Section 389 of Cr.P.C.

6. Learned counsel for the respondent opposed this application. He submitted that there is no reason to disbelieve PW-1. He further submitted that there was one more incident for which the different complaint was lodged by PW-1. He, therefore, opposed grant of bail.

7. Learned APP also opposed this application, but, she conceded that the sentence awarded is short.

8. I have considered these submissions. All the points raised by learned counsel for the applicant will have to be decided during final hearing stage of the appeal. However, as rightly submitted by him, the sentence is short and the appeal is not likely to be decided within that short period. The applicant was granted bail even after his conviction under Section 389 of Cr.P.C.

9. There is history of civil dispute. The incident is old which had taken place almost more than twelve years

ago. In this view of the matter, the applicant can be granted bail pending his appeal. Hence the following order :

:: O R D E R ::

- i. During pendency and final disposal of Criminal Appeal No.62/2020, 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.

PRADIPKUMAR
PRAKASHRAO
DESHMANE

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(SARANG V. KOTWAL, J.)

Deshmane (PS)