

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

**INTERIM APPLICATION NO.4331 OF 2022
IN
CRIMINAL APPEAL NO.1239 OF 2022**

Sachin Daulat Bhare Applicant
Versus
The State of Maharashtra & Anr. Respondents

Ms. Mayuri Hatle, Advocate for the Applicant.
Mr. S.R. Agarkar, APP for the Respondent No.1-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 19th JANUARY, 2023

P.C. :

1. This is an application for bail pending final disposal of the appeal preferred by the applicant, who was the original accused No.2 in Sessions Case No.163/2018 before the Court of Sessions at Kalyan.

2. The learned Judge vide judgment and order dated 3.10.2022 convicted the accused No.1 Vicky Bhare and

the present applicant for commission of the offence punishable under Sections 326 read with 34, 450 read with 34 and 506 read with 34 of IPC. The major sentence imposed on the applicant was for three years besides imposition of fine.

3. Heard Ms. Mayuri Hatle, learned counsel for the applicant and Shri S.R. Agarkar, learned APP for the respondent No.1-State.

4. The prosecution case is that the incident occurred on 19.1.2018 on account of some petty issue during a cricket match. The allegations are that the accused No.1 and the applicant entered the house of PW-1 Shivaji. The applicant was carrying an iron rod. He assaulted PW-2 Narayan on his forehead. Accused No.1 Vicky gave a blow with stick on Narayan's hand. The investigation is carried out and the applicant along with others faced the trial.

5. Learned counsel for the applicant submitted that the sentence imposed on the applicant is short. The incident

had occurred on a petty issue and there was no intention to cause a grievous injury. The applicant was on bail during trial and he has not misused that liberty. Even after his conviction, he was granted bail under Section 389 of Cr.P.C..

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

7. I have considered these submissions. There was one blow attributed to the applicant. It is alleged by PW-2 in his deposition that the applicant assaulted on his head by an iron rod. PW-6 Dr. Madhvi deposed that there was one CLW over the forehead and abrasion over the left forearm. The injury had not escalated to a higher degree. The sentence imposed on the applicant is short. He was on bail during trial.

8. Considering all these aspects, the applicant can be granted bail during pendency of his appeal. Hence, following order :

:: O R D E R ::

- i. During pendency and final disposal of Criminal Appeal No.1239/2022, 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. Interim Application is disposed of accordingly.

Digitally signed
by
PRADIPKUMAR
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
2023.01.20
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(SARANG V. KOTWAL, J.)

Deshmane (PS)