

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

**INTERIM APPLICATION NO. 4419 OF 2022
IN
CRIMINAL APPEAL NO. 1269 OF 2022**

Lalit Janardhan Gavande ..Applicant
Versus
The State of Maharashtra ..Respondent

Mr. Swapnil Patil i/b. Mr. Santosh Bhamre for Applicant.
Smt. M. R. Tidke, APP for State/Respondent.

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

PC :

1. This is an application for bail pending final disposal of appeal; which is admitted. The applicant was convicted by learned Additional Sessions Judge-9, Nashik in Sessions Case No.23 of 2020 vide his Judgment and order dated 17/11/2022. The Applicant was convicted for commission of offence punishable U/s.332 of the I.P.C. and was sentenced to suffer R.I. for one year and to pay a fine of Rs.2000/- and in default of payment of fine to suffer R.I. for two months.

2. The prosecution case is that on 25/02/2012 the first

informant Shantaram Mahale was driving an S.T. bus. He was proceeding towards Nashik. He came to Toll Plaza of Madsangvi. The applicant driving his car tried to overtake him in a dangerous manner. There was some quarrel. The applicant pulled the first informant Shantaram who was driving the bus out of the bus and assaulted him. On this basis the F.I.R. was lodged and the investigation was carried out.

3. The applicant faced the charges under sections 332 and 504 of the I.P.C. He was acquitted from the charges U/s.504 of the I.P.C.

4. Learned counsel for the applicant submitted that the prosecution examined only four witnesses. The first informant had died during trial. The prosecution witnesses were the S.T. conductor Sandip, a passenger, the medical officer and the I.O. He submitted that the passenger was a chance witness and his evidence is not reliable. The conductor has not given details of the car of the applicant to the police. As against this evidence, the applicant's defence was not considered properly. The applicant was alone. The

bus driver and the passengers assaulted him and caused damage to his car. Learned counsel further submitted that the applicant was on bail during trial and he has not misused that liberty. Even after his conviction he was granted bail by the Trial Court U/s.389 of the Cr.p.c. The applicant has paid the fine amount.

5. Learned APP conceded that the sentence is short.

6. I have considered these submissions. All these points raised by learned counsel for the applicant will have to be decided at the final hearing stage. The sentence is short and the Appeal is not likely to be decided during that period. The incident is more than 10 year old. There are no allegations that the applicant has committed any other offence in between. Considering these aspects, the applicant can be granted bail during pendency of his Appeal.

7. Hence, the following order:

ORDER

i) During pendency and final disposal of Criminal

Appeal No.1269 of 2022, the Applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30000/- with one or two sureties in the like amount.

ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)