

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

**INTERIM APPLICATION NO. 4536 OF 2022
IN
CRIMINAL APPEAL (ST) NO. 22421 OF 2022**

Pravinkumar Champalal Hiran	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr. Jigar Agarwal a/w. Amrish R. Salunke for Appellant.
Smt. M. R. Tidke, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 30 JANUARY 2023**

PC :

1. This is an application for suspension of sentence of the Applicant and for releasing him on bail during pendency of his Appeal. The Applicant was convicted and sentenced by learned Additional Sessions Judge, Greater Mumbai, vide her Judgment and order dated 24/08/2022, passed in Sessions Case No.564 of 2019. The Applicant was convicted for commission of offence punishable U/s.353 of the I.P.C. and was sentenced to suffer S.I. for one year and to pay a fine of Rs.1000/- and in default of payment of fine to suffer S.I. for 15 days. The Applicant was

acquitted from commission of offences punishable under sections 504 and 506(1) of the I.P.C.

2. Heard Shri. Jigar Agarwal, learned counsel for the Applicant and Smt. Tidke, learned APP for the State.

3. Learned counsel for the Applicant submitted that the witnesses in this case are all the police officers who were present in the police station; who were holding grudge against the applicant. The other two witnesses are the persons against whom the applicant had gone to the police station to lodge his complaint. He submitted that the allegations against the applicant are false. Learned counsel further submitted that the applicant was on bail during trial and even after his conviction he is granted bail U/s.389 of the Cr.p.c.

4. Learned APP opposed this application. However, she conceded that the sentence is short.

5. I have considered these submissions and I have also perused the evidence of PW-2. He has described the incident. He was directed to record the statement of the applicant because the

applicant wanted to lodge F.I.R. against one Bhurad. While PW-2 was recording the statement, said Bhurad came to the police station and produced the CCTV footage showing his innocence. There was a quarrel between the applicant and Bhurad. PW-2 tried to intervene. It is alleged that the applicant caught PW-2's collar and abused him. He also threatened the police officers that he would take steps so that those police officers would be suspended.

6. The applicant is already acquitted from the allegation of commission of offence punishable under sections 504 and 506(1) of the I.P.C. The incident appears to have taken place in the heat of anger. The points raised by learned counsel for the applicant will have to be considered at the final hearing stage. The applicant was on bail during trial. The sentence is short. The appeal is not likely to be decided within that period. The incident is old. It had taken place in December 2013. More than nine years have passed. Considering all these aspects, the applicant can be granted bail during pendency of his appeal.

7. Hence, the following order:

O R D E R

- i) During pendency and final disposal of Criminal Appeal (ST) No.22421 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.)