

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

**INTERIM APPLICATION NO.2173 OF 2024
IN
CRIMINAL APPEAL NO.578 OF 2024**

Laxman Dhananjay Patil

.... Applicant

versus

The State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Priyal G. Sarda a/w Seema S. Dighe, Advocate for Applicant.
- Mr. S. H. Yadav, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 18th JUNE, 2024**

P.C. :

1. This is an application for bail pending Appeal. Learned counsel for the Applicant tendered the notes of evidence. They are taken on record. The Applicant was convicted by the Additional Sessions Judge, Satara, in Sessions Case No.166 of 2021 u/s 307 and 506 of the Indian Penal Code. He was sentenced to suffer simple imprisonment for three years and to pay a fine of Rs.20,000/- and in default of payment of fine to suffer simple imprisonment for six months for offence

punishable u/s 307 of the Indian Penal Code and was sentenced to suffer simple imprisonment for three months for offence punishable u/s 506 of the Indian Penal Code. All the sentences were directed to run concurrently.

2. Heard Mr. Priyal G. Sarda, learned counsel for the Applicant and Mr. S. H. Yadav, learned APP for the State.
3. The prosecution case is that, the Applicant used to harass the wife of the victim Vijay Bhosale. She complained about this fact to the victim. On 11/02/2021 Vijay went to the Applicant to question him about it. It is alleged that the Applicant took out a knife from a nearby stall and gave a blow on the victim's stomach. The FIR was lodged and the Applicant faced the trial. He was convicted and sentenced as mentioned earlier.
4. Learned counsel for the Applicant submitted that there was no premeditation and there was no intention to commit Vijay's murder. He submitted that the Doctor has accepted that

the injury was simple. The sentence is of three years. The Appeal is not likely to be heard within that period. The Applicant is released on bail post his conviction u/s 389 of Cr.P.C. and he was on bail during trial and he has not misused the same. The fine amount is already paid.

5. Learned APP opposed these submissions. According to him, the injury was on the vital part.

6. I have considered the submissions. The Medical Officer Dr. Bade was examined as P.W.8. She has stated that the injured Vijay had suffered stab injury on left hypochondric to left lumbar region of size 2.5 cms x 0.5 cm x 5 cm. She had clearly stated that it was a simple injury. Whether the offence u/s 307 is made out or not will have to be decided at the final hearing stage. The Applicant was on bail during the trial and even after his conviction, he was granted bail u/s 389 of Cr.P.C. The major sentence is for three years during which period the Appeal is not likely to be decided. Therefore, the Applicant can be granted bail during pendency of his Appeal.

7. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.578 of 2024 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) The application is disposed of.

(SARANG V. KOTWAL, J.)