

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

**INTERIM APPLICATION NO.2377 OF 2024
IN
CRIMINAL APPEAL NO.622 OF 2024**

1. Milind Dyandev Aashtul, &
2. Shrikant Tulshiram GaikwadApplicants
Versus
The State of Maharashtra Respondent

Mr. Sagar Tambe, Advocate a/w. Ansari, Ankita Rai i/b. Ritesh Thobde for the Applicants.

Mr. Shrikant H. Yadav, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 24th JUNE, 2024

P.C. :

1. The Applicants have filed Criminal Appeal No.622/2024 before this Court challenging the Judgment and Order dated 27/05/2024 passed in Sessions Case No.51 of 2023 by the Additional Sessions Judge, Solapur. The Applicants/Appellants were the accused along with the other accused before the Sessions Court. There were 74 accused. Two of them had passed away. All the accused including the present Applicants were convicted for commission of offence

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punishable u/s 332 r/w 149 of the Indian Penal Code and were sentenced to suffer simple imprisonment for one month and to pay a fine of Rs.1,000/- each and in default of payment of fine to suffer further simple imprisonment for 10 days. They were also convicted for commission of offence punishable u/s 353 r/w 149 of the Indian Penal Code and were sentenced to suffer simple imprisonment for one month and to pay a fine of Rs.1,000/- each and in default of payment of fine, they were directed to suffer further simple imprisonment for 10 days.

2. The prosecution case pertains to the incident dated 04/07/2015. The then MLA and his followers had damaged the public property and had also assaulted the police personnel by pelting stones.

3. Since the Appeal is already admitted, the evidence will have to be tested in the Appeal at the stage of final hearing. The sentence imposed on the Applicants is only for one month. The Appeal is not likely to be heard within that period. The Applicants were granted benefit u/s 389 of Cr.P.C.

by the learned Trial Court vide order dated 27/05/2024 and interim bail was granted till the filing of the Appeal.

4. Learned counsel for the Appellants relied on the order dated 11.6.2024 passed in I.A. No.2145/2024 in Criminal Appeal No.562/2024, whereby some of the co-accused were granted bail pending their Appeal. He submitted that similar stand be taken in this Application.

5. Considering all these circumstances, the present application can be allowed.

6. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.622 of 2024, the Applicants are directed to be released on bail on their furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each, with one or two sureties each, in the like amount.
- (ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)