

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

**INTERIM APPLICATION NO. 2409 OF 2024
IN
CRIMINAL APPEAL NO. 638 OF 2024**

Popat Manohar Mule

..Appellant

Versus

The State of Maharashtra

..Respondent

Mr. Onkar A. Mane for Appellant.

Smt. M. R. Tidke, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 26 JUNE 2024

PC :

1. The Applicant has filed Criminal Appeal No.638 of 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 Applicant/Appellant was the accused No.35 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 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 allegations are that the then M.L.A. 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 Applicant was 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. Considering all these circumstances, the present application can be allowed.

5. Hence, the following order :

ORDER

- i) During pendency and final disposal of the Criminal Appeal No.638 of 2024, the Applicant is directed to be released on bail on his furnishing P .R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), with one or two sureties in the like amount.
- ii) The application is disposed of.

(SARANG V. KOTWAL, J.)