

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

**INTERIM APPLICATION NO. 3079 OF 2024
IN
CRIMINAL APPEAL NO. 831 OF 2024**

Deepak Dagadu Maske Applicant/Appellant.

versus

State of Maharashtra Respondent

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Mr. Viresh V. Purvant, a/w. Suraj V. Gadkari, and Farha Fizavai, for
the Appellant/Applicant, for the Appellant/Applicant.

Mr. Swapnil V. Walve, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 8th AUGUST 2024

P.C. :

1. The Appellant was accused before the Court of Extra Joint Additional Sessions Judge, Barshi in Sessions Case No. 151 of 2019. The learned Judge by his judgment and order dated 14th June 2024 convicted the Applicant for commission of offences punishable under Sections 353 and 323 of the Indian Penal Code, 1860 (for short the“**IPC**”) and sentenced him to suffer simple imprisonment for 2 years for the offence punishable under Section 353 of IPC and 3 months simple imprisonment for the offence

punishable under Section 323 of IPC. Both the sentences were directed to run concurrent.

2. The prosecution case is that the First Informant PW-1, Sopan Chaturbhuj Bodhwad was a Police Naik attached to the Tembhurni Police Station, Solapur. On 21st September 2018, he was investigating into the crime of theft of electric motor in the area. When he was making the enquiries at the spot, the Applicant came there and interfered with his investigation. He snatched the documents and pushed PW-1. He tried to attack the PW-1. On that basis, the FIR is lodged, and the investigation was conducted.

3. The learned counsel for the Applicant submitted that there are different accounts given by the other alleged eyewitnesses. The Applicant was not an accused in the case, which was being investigated by PW-1. He submitted that in any case, the sentence imposed is only for two years and the Appeal is not likely to be decided within that short period. He submitted that the Applicant has no criminal antecedents and after his conviction, he was granted bail for a temporary period under Section 389 of Cr. P.C.

4. Learned APP opposed this submission and further submitted that since the Applicant has assaulted a police officer investigating

into the crime, it is a serious offence and the bail may not be granted to him.

5. I have considered the submissions. Some arguable points are raised by the learned counsel for the Applicant. It will have to be decided at the final hearing stage. The sentence imposed on the Applicant is only for 2 years. The Appeal is not likely to be decided within that period. He has no criminal antecedents. Therefore, I am inclined to grant him bail pending Appeal.

6. Hence, the following order:

ORDER

- i. During the pendency and final disposal of Criminal Appeal No. 831 of 2024 preferred by the Applicant, he is directed to be released on bail on his executing fresh P.R. bond in the sum of Rs.30,000/- with one or sureties in the like amount.

7. The Interim Application is disposed of.

(SARANG V. KOTWAL, J.)