

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

**INTERIM APPLICATION NO. 3636 OF 2024
IN
CRIMINAL APPEAL NO. 962 OF 2024**

Pradip Krishna Khedekar & Anr.	..Applicants
Versus	
The State of Maharashtra	..Respondent

Mr. Abhijit M. Adagule a/w. Shantanu Patil for Applicants.
Smt. M. R. Tidke, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 30 SEPTEMBER 2024

PC :

1. The Applicants were the original Accused Nos.1 and 7 in Sessions Case No.38 of 2019 before the Sessions Judge, Kolhapur. The Accused Nos.1 and 7 were convicted for commission of offence punishable U/s.324 of the I.P.C. and other accused were convicted for commission of offences punishable under sections 143 and 147 r/w. 149 of the I.P.C. The Accused No.1 and 7 were sentenced to suffer S.I. for six months and to pay a fine of Rs.1000/- each and in default to suffer S.I. for two months for the offence punishable U/s.324 of the I.P.C. All the accused were

sentenced to pay a fine of Rs.1000/- each and in default to suffer S.I. for one month for the offences punishable under sections 143 and 147 r/w. 149 of the I.P.C.

2. Learned counsel for the applicants submitted that the incident was a result of attack by the other group on the applicants' group, in which, one Sakharam from the applicants' group was assaulted to death. He submitted that the applicants have not committed any offence. The injuries caused in this case which are attributed against the applicants' group are caused during the incident. The applicants have not committed any offence. He submitted that the sentence imposed is short and the Appeal is not likely to be decided within a reasonable short period. He further submitted that the applicants were on bail during trial and they have not misused that liberty. Even after the conviction they are granted bail U/s.389 of the Cr.p.c. by the learned trial Judge.

3. Learned APP accepted the fact that the sentence imposed is short.

4. I have considered these submissions. There are two injured in this case i.e. Prakash who had suffered five injuries out of which only one injury was on the head. The injuries were described as simple injuries. The other injured was his son Akash who had suffered two abrasions over his left wrist and lower lip. They were also simple injuries. The sentence imposed on the applicants is short. The Appeal is not likely to be decided within that short period. The applicants were on bail during trial and they are granted temporary bail after conviction by the learned trial Judge. Therefore, the applicants can be released on bail during pendency of their Appeal.

5. Hence, the following order:

O R D E R

- i) During pendency and final disposal of Criminal Appeal No.962 of 2024, the Applicants are directed to be released on bail on their furnishing P. R. bonds in the sum of Rs.30000/- each with one or two sureties each in the like amount.
- ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)