

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

**INTERIM APPLICATION NO. 3840 OF 2024
IN
CRIMINAL APPEAL NO. 1047 OF 2024**

Amol Babaso Pawar & Anr.	..Applicants
Versus	
The State of Maharashtra	..Respondent

Mr. Balwant Salunkhe for Applicants. _____
Mrs. Sangita D. Shinde, APP for State/Respondent.

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

PC :

1. The Applicants were convicted by the Sessions Judge, Sangli, vide the Judgment and order dated 29.08.2024 in Sessions Case No.225 of 2020 for commission of offence punishable U/s.353 r/w. 34 of the I.P.C. and 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 fifteen days. They were also convicted U/s.3(2)(i) of the Epidemic Diseases Act and were sentenced to suffer R.I. for three months and to pay a fine of Rs.50000/- each and in default to suffer R.I. for one month.

2. Learned counsel for the applicants submitted that the allegations against the applicants are not true. There are no reliable independent witnesses. The assumption that they were helping the people to cross the area without masks or without permission is not supported by any evidence. He submitted that the sentence imposed is short and the Appeal is not likely to be decided within that short period.

3. Learned APP conceded that the sentence is short and the Appeal is not likely to be decided within that period.

4. I have considered these submissions. The allegations are that on 18.07.2020, the Applicant No.1 was sitting near the check-post without any reason where the informant PW-1 constable Anand Sankpal was on duty. It was at Laxmiwadi check-post. The Applicant No.1 was unnecessarily, without any reason, sitting there. PW-1 suspected that he was helping some people from entering that area without permission. PW-1 questioned the Applicant No.1. At that time, there was a quarrel. He left the place, but came back at around 9:40p.m. with the applicant No.2. Both of them abused and manhandled PW-1 and, therefore, this F.I.R. is

lodged.

5. PW-1 Anand's evidence is supported by PW-2 Ramchandra. However, there is no cogent evidence to show that the applicant No.1 helped the others in crossing that particular area without permission. PW-3 Jaysing and PW-4 Dattatraya were the panchas for the spot panchanama. They were declared hostile. All these issues will have to be decided at the final hearing stage. However, the sentence imposed is short and the Appeal is not likely to be decided within that short period. Therefore, the applicants deserve to be released on bail during pendency of their appeal.

6. Hence, the following order:

O R D E R

- i) During pendency and final disposal of Criminal Appeal No.1047 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.)