

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

**INTERIM APPLICATION NO. 2100 OF 2024
IN
CRIMINAL APPEAL (ST) NO. 10584 OF 2024**

Vinod Somayya Chimula

..Appellant

Versus

State of Maharashtra

..Respondent

Ms. Radhika S. Navandar for Appellant.

Mr. Arfan Sait, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 12 JUNE 2024

PC :

1. This is an application for bail during pendency and final disposal of the Appeal preferred by the applicant challenging the Judgment and order dated 05.02.2021 passed by the Additional Sessions Judge, Pune in Sessions Case No.948 of 2016. By the impugned Judgment and order the applicant was convicted U/s.307 of the I.P.C. He was sentenced to suffer imprisonment for five years and to pay a fine of Rs.5000/- and in default of payment of fine to suffer R.I. for three months.

2. Learned counsel for the applicant submitted that the

applicant has undergone sentence of more than three and half years. The applicant has good case on merits. His name was not mentioned in the F.I.R. The other group was the aggressor as is clear from the facts. There was no intention to commit murder and, therefore, the offence U/s.307 of the I.P.C. is not made out. The Appeal is not likely to be decided within the balance period of sentence which the applicant has to undergo.

3. Learned APP opposed these submissions by inviting my attention to the nature of injuries.

4. I have considered these submissions. In paragraph-17 of the impugned Judgment, there are indications that the applicant's name was not mentioned in Exhibit-20, though, he was known to the first informant PW-1 Navnath Birajdar. The narration also indicates that the informant's group had approached the applicant's group and, therefore, informant's group could be aggressors.

5. The injuries suffered are four in number. There was a stab injury on the left cheek and there were 3 CLWs on the chest

and lumbar region. From the narration, there does not appear to be any premeditation. More importantly, the Judgment mentions that the applicant was in jail from 10.06.2015 to 03.11.2015. Thereafter the conviction was recorded on 05.02.2021. The Appeal was filed much belatedly and since 2021 he is in custody. Thus, out of the sentence of five years, he has completed substantial part of the sentence. The Appeal is not likely to be decided within the remaining period of the sentence imposed on the applicant. In this view of the matter, the applicant deserves to be released on bail during pendency of his Appeal.

6. Hence, the following order:

O R D E R

- i) During pendency and final disposal of Criminal Appeal (St.) No.10584 of 2024, the Applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30000/- with one or two sureties in the like amount.
- ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)