

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

**INTERIM APPLICATION NO. 2185 OF 2024
IN
CRIMINAL APPEAL NO.583 OF 2024**

Laxman @ Lakhan Sham Chavan ..Applicant
Versus
The State of Maharashtra .. Respondent

Mr. Advait Shukla i/by Abdulquadir Auti Advocate for the Appellant.

Mr. Vithal B. Konde-Deshmukh, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 3rd JULY, 2024

P.C. :

1. The Applicant was the original accused in Sessions Case No.80 of 2023 before the Sessions Judge Solapur. The learned judge vide his judgment and order dated 18th March 2024 convicted the Applicant for commissions of offences punishable under sections 353 and 323 of Indian Penal Code. The major sentence imposed on him was RI for six months, besides imposition of fine.

2. The prosecution case is that PW-1 Laxmikant Guruling Dokade was a teacher in Zilla Parishad School at a village in District Solapur. On 14 July 2016, he was holding the charge of headmaster. The Applicant came to his school and demanded money for consuming liquor. On the refusal of PW-1, the Applicant manhandled him. He gave fists and kick blows. The others separated the fight.

3. Learned counsel for the Applicant submitted that the incident is not true. The Applicant was not known to PW-1. The Applicant was not present in the Court, when the deposition of PW-1 was recorded. There is a serious lacuna in the prosecution case regarding the identity of the Applicant. The Applicant was on bail during trial and he was also granted bail under section 389 of Cr.P.C. after his conviction. As of today he is on bail. Considering the short sentence, the Applicant be granted Bail.

4. Learned APP submitted that the offence is serious and therefore bail may not be granted to the Applicant.

5. I have considered these submissions. Some arguable points are raised by the learned counsel for the Applicant. The sentence imposed is short. The appeal is not likely to be decided within that period. Therefore, the Applicant can be granted bail pending his Appeal.

6. Hence, the following order:-

ORDER

(i) During pendency and final disposal of Criminal Appeal No.583 of 2024, the Applicant is directed to be released on bail on his executing P.R. bond in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.

(ii) This Interim Application is disposed of.

(SARANG V. KOTWAL, J.)