

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

**INTERIM APPLICATION NO.2296 OF 2024
IN
CRIMINAL APPEAL NO.610 OF 2024**

Rajesh Ranga Kuchikarve Applicant

versus

The State of Maharashtra Respondent

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- Mr. Amit A. Mane, Advocate for Applicant.
- Mr. Arfan Sait, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 19th JUNE, 2024**

P.C. :

1. This is an application for bail pending Appeal. The Applicant was the accused in Sessions Case No.265 of 2017 before the Additional Sessions Judge, Thane. The learned Judge vide his Judgment and Order dated 24/05/2021 convicted the Applicant u/s 325 of the Indian Penal Code and sentenced him to suffer rigorous imprisonment for two years and to pay a fine of Rs.500/- and in default of payment of fine to suffer simple imprisonment for three months.

2. Heard Mr. Amit A. Mane, learned counsel for the Applicant and Mr. Arfan Sait, learned APP for the State.
3. Learned counsel submitted that the judgment itself mentions that the Applicant was in custody from 27/01/2017 to 22/11/2017 and after his conviction he was taken in custody. Thus, he is in custody for almost 10 months, out of the sentence of two years. He, therefore, submitted that the Applicant be released on bail.
4. I have considered these submissions. The offence pertains to the incident dated 27/01/2017. On that day, at about 11.00 a.m. the Applicant came towards P.W.6, the victim, who was selling coconuts. He straight away gave blows with knife on the stomach, neck and armpit of the victim. People gathered at the spot and the Applicant was apprehended at the spot. He faced the prosecution for this offence.
5. The Medical Officer P.W.4 Dr. Maraskolhe deposed that the victim had suffered three injuries. The injuries on the lower

chest wall and left shoulder below neck were simple injuries. However, the injury causing perforated peritoneum at the left lumbar area of size 2 x 1 cm x peritoneum deep was a grievous injury.

6. The learned Trial Judge had convicted the Applicant u/s 325 of the IPC. Prima facie this conviction does not appear to be correct, since a knife was used by the Applicant. Therefore, the correct section would be either 324 or 326 of IPC depending on the nature of the injury. The learned Trial Judge has recorded that there was no other evidence regarding the injury being grievous. This observation will have to be tested at the final hearing stage. However, as of today, the State of Maharashtra has not preferred any Appeal challenging the observation and finding as well as the order of conviction and sentence passed by the learned Judge.

7. The Applicant is sentenced to suffer rigorous imprisonment for two years. Out of the said sentence, he is already in custody for about 10 months. The Appeal is not likely

to be decided during the balance period of his sentence. Therefore, the Applicant can be granted bail during pendency of his Appeal. However, looking at the nature of allegations against him, some conditions are required to be imposed on him.

8. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.610 of 2024, the Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only), with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned police station every fortnight for a period of one year from today.
- (iii) The application is disposed of.

(SARANG V. KOTWAL, J.)