

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

**INTERIM APPLICATION NO.2861 OF 2024
IN
CRIMINAL APPEAL NO.766 OF 2024**

Akash Santosh Kunwar Applicant
versus
The State of Maharashtra & Anr. Respondents
.....

- Mr. Nikhil G. Hire, Advocate for Applicant.
- Mr. Shrikant H. Yadav, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 24th JULY, 2024**

P.C. :

1. This is an application for bail pending Appeal. The Applicant was the original accused in Sessions Case No.195 of 2022 before the Additional Sessions Judge. Vide his Judgment and Order dated 03/12/2022, the Applicant was convicted for commission of offence punishable u/s 332 of the Indian Penal Code and was sentenced to suffer rigorous imprisonment for six months and to pay a fine of Rs.5,000/- and in default of payment of fine to suffer simple imprisonment for two months.

The Applicant was convicted for commission of offence

punishable u/s 324 of the Indian Penal Code and was sentenced to suffer rigorous imprisonment for six months and to pay a fine of Rs.5,000/- and in default of payment of fine to suffer simple imprisonment of two months.

2. Heard Mr. Nikhil G. Hire, learned counsel for the Applicant and Mr. Shrikant H. Yadav, learned APP for the State.
3. Learned counsel for the Applicant submitted the incident had occurred when there was fight between two groups and the police had intervened. At that time, there are allegations that the Applicant had given a blow with wooden stick on the head of one Krushnadas Gavali. He submitted that there was many persons and the Applicant is wrongly implicated. The blow was given from the backside. Therefore, the injured would not know who has given that blow. He further submitted that the sentence imposed on the Applicant is short. The Applicant has already paid fine. Even after his conviction, he is granted bail for a limited period u/s 389 of Cr.P.C. by the Trial Court.

4. Learned APP submitted that the Applicant has assaulted a Police Constable on his head causing injury of size 4 x 2 x 2 cm. Thus, the injury is serious.
5. I have considered these submissions. The sentence imposed is only for six months. The Appeal is not likely to be decided within that short period. The Applicant has paid the fine. The Applicant was on bail during trial. There are no allegations of misuse of that liberty. The Applicant was granted bail u/s 389 of Cr.P.C. after his conviction. Therefore, the Applicant can be granted bail pending his Appeal.
6. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.766 of 2024, the Applicant is directed to be released on bail on his 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) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)