

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

**INTERIM APPLICATION NO.3173 OF 2024
IN
CRIMINAL APPEAL NO.863 OF 2024**

Rahul Vasant Supekar & Anr. Applicants
versus
The State of Maharashtra Respondent
.....

- Mr. Shantanu Kolhe a/w Nitin Gaware Patil i/b. Jay Salunke, Advocate for Applicants.
- Smt. Sangita D. Shinde, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 14th AUGUST, 2024**

P.C. :

1. This is an application for bail pending Appeal. The Applicants were convicted and sentenced by the Additional Sessions Judge, Khed-Rajgurunagar, Pune, vide his Judgment and Order dated 16/07/2024 passed in Sessions Case No.153 of 2022, for offence punishable u/s 353, 332, 380 r/w 511, 427 of the Indian Penal Code. The maximum sentence imposed on the Applicants was for two years rigorous imprisonment besides imposition of fine.

2. Heard Mr. Shantanu Kolhe, learned counsel for the Applicants and Smt. Sangita D. Shinde, learned APP for the State.
3. The prosecution case is that both these Applicants were trying to break an ATM machine on 30/12/2020 at 02.30 a.m. at Narayangaon in the ATM Centre of State Bank of India. The informant/PW.1 Akshay Dhoble was working as a Home Guard. He saw this incident. He tried to stop the Applicants. According to him, the Applicants gave blow with iron rod on his finger. He sustained injury to his left middle fingers. The Applicants were caught at the spot.
4. Learned counsel for the Applicants submitted that out of the sentence of two years, the Applicants have already undergone one year of actual imprisonment. The Appeal is not likely to be decided within the balance period of one year. The Applicants are falsely implicated.
5. Learned APP opposed these submissions. He submitted that the offence is serious.

6. Undoubtedly, from the allegations it does appear that the offence is serious. However, the maximum sentence is of two years, out of which they have already undergone one year of imprisonment. The Appeal is not likely to be decided within that period. The Applicants can be granted bail pending their Appeal.

7. Hence, the following order :

ORDER

- (i) During the pendency and final disposal of the Criminal Appeal No.863 of 2024, the Applicants are directed to be released on bail on their furnishing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only) each, with one or two sureties each, in the like amount.
- (ii) The Applicants shall attend the concerned police station once a fortnight for a period of six months from today.
- (iii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)