

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

**INTERIM APPLICATION NO.3631 OF 2024
IN
CRIMINAL APPEAL NO.987 OF 2024**

1. Dollar Arvind Nalawade, &
2. Rina Danial JonesAppellant
Versus
The State of Maharashtra Respondent

Ms. Gargi Warunjikar, Advocate a/w. Hrishikesh Nabar i/b.
Sonali R. Chavan for the Appellant.

Mr. Vinit A. Kulkarni, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 09th SEPTEMBER, 2024

PC. :

1. The Applicants were the accused Nos.1 & 2 in Sessions Case No.285/2020 before the Additional Sessions Judge, Pune. The learned Judge, vide his judgment and order dated 11.7.2024, convicted both the Applicants for commission of the offences punishable under Sections 353, 332 and 323 of IPC. The major sentence imposed on them was SI for six months besides imposition of fine.

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2. Heard Ms. Gargi Warunjikar, learned counsel for the Appellant and Mr. Vinit Kulkarni, learned APP for the Respondent-State.

3. The prosecution case is that on 28.7.2019, the informant who was a lady police constable Surekha Mandale attached to Bhosri police station was informed by her Superiors that a call was received regarding some quarrel taking place at Kasarwadi. The informant and her team visited the spot. Both the Applicants were in the crowd. They were related to each other. It is alleged that the Applicant No.1 slapped the informant on her back. The Applicant No.2 went inside her house and when the informant was trying to apprehend her, she assaulted the informant with a knife. These are the allegations.

4. Learned counsel for the Applicants submitted that the prosecution has not examined any independent witness. All the witnesses are police witnesses. The CCTV footage does not support the prosecution case. The injuries were not possible by a knife and, therefore, the prosecution story is not true.

5. Learned counsel submitted that the Applicants were on bail during trial and they have not misused that liberty. Even after conviction, they were granted bail for a temporary period.

6. Learned counsel further submitted that the sentence imposed on the Applicants is short and the Appeal is not likely to be decided within six months.

7. Learned APP submitted that the informant had suffered a blunt trauma on right wrist and one abrasion over right palm. He submitted that since a police officer is attacked, he has strong objection for granting bail to the Applicants.

8. I have considered these submissions. The issues raised by the Applicants will have to be decided at the final hearing stage. At this stage, there is some substance in the submissions of learned counsel for the Applicants because the allegations are that the Applicant No.2 had used a knife, but, the injuries mentioned by learned APP do not show that these could be caused by a knife.

9. Apart from that the Applicants were on bail during the trial and even after conviction they were granted interim

bail. There are no allegations of misuse of that liberty. The sentence imposed on the Applicants is only for six months. The Appeal is not likely to be decided within that period. Therefore, the Applicants can be released on bail during pendency of their Appeal. Hence, the following order :

:: O R D E R ::

- i. During pendency and the final disposal of Criminal Appeal No.987/2024, the Applicants are directed to be released on bail on their executing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- ii. Interim Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)