

**INTERIM APPLICATION NO.3733 OF 2024
IN
CRIMINAL APPEAL NO.1008 OF 2024**

Shaikh Rizwan Shaikh Chand Applicant
versus
The State of Maharashtra & Anr. Respondents
.....

- Mr. Nikhil G. Hire a/w Sampada S. Patil a/w Muthu Kutti P, Advocate for Applicant.
- Smt. Manisha R. Tidke, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 27th SEPTEMBER, 2024

P.C. :

1. This matter is produced on production board for speaking to the minutes for correction of the typographical errors in the order dated 12/09/2024.
2. In paragraph No.1 of the said order, the Sessions Case is wrongly mentioned as Session Case No.153 of 2024. The correct number is Session Case No.153 of 2021.
3. Similarly in paragraph No.3, the C.R.No. is mentioned as C.R.No.24/2021. The correct number is C.R.No.44/2021.

4. These are typographical errors and are required to be corrected.
5. Accordingly the corrections be made and the corrected order be uploaded.

(SARANG V. KOTWAL, J.)

CORRECTED ORDER DATED 12/09/2024 :

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

**INTERIM APPLICATION NO.3733 OF 2024
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versus	
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- Smt. Manisha R. Tidke, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 12th SEPTEMBER, 2024**

P.C. :

1. This is an application for bail pending the Appeal. The Applicant was the original accused in Session Case No.153 of 2021 before the Additional Sessions Judge, Malegaon Nashik. The Applicant was convicted for offence punishable u/s 353 r/w 34 of the Indian Penal Code. He was sentenced to suffer rigorous imprisonment six months and to pay a fine of Rs.10,000/- and in default of payment of fine to suffer further simple imprisonment for two months.
2. Heard Mr. Nikhil G. Hire, learned counsel for the Applicant and Smt. Manisha R. Tidke, learned APP for the State.
3. The prosecution case is that the Applicant was the accused in C.R.No.44/2021 registered at Ayeshanagar police station. The incident occurred on 04/07/2021. The Police Officers went to the house of the Applicant to arrest him. The informant Police Naik Manisha Bidgar was one of the team members. The door was opened by the Applicant's mother. The

Applicant was standing behind her. When the informant tried to push the Applicant's mother, the Applicant intervened and twisted the informant's hand and pushed her. He was then overpowered by the other team members and was arrested. On these allegations, the FIR is filed.

4. Learned counsel for the Applicant submitted that the prosecution is based on the evidence of the police witnesses only. There is one other independent witness. P.W.4 was a neighbour. He had seen the incident. But he was declared hostile. He submitted that out of the sentence of six months, the Applicant was in custody for four months in connection with this offence. The Appeal is not likely to be decided within the remaining period of two months. He was on bail during trial and even after his conviction, he was granted bail u/s 389 of Cr.P.C.
5. Learned APP strongly opposed these submissions; because according to her, the Applicant had assaulted a lady Police Constable.

6. I have considered these submissions. The issue raised by the Applicant will have to be decided at the final hearing stage. Out of the sentence of six months, the Applicant was in custody for four months. As rightly submitted by the learned counsel for the Applicant, the Appeal is not likely to be decided within two months. The Applicant therefore deserves to be released on bail during pendency of his Appeal.

7. Hence, the following order :

ORDER

- (i) During the pendency and final disposal of the Criminal Appeal No.1008 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.)