

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

**INTERIM APPLICATION NO. 3831 OF 2024
WITH
INTERIM APPLICATION NO. 3832 OF 2024
IN
CRIMINAL APPEAL NO. 1046 OF 2024**

Arjun Yashwant Kumbhar

..Applicant

Versus

The State of Maharashtra & Anr.

..Respondents

Ms. Kajal Saevaiya i/b. Asif Patel for Applicant.

Mr. Swapnil V. Walve, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 30 SEPTEMBER 2024

PC :

1. The Applicant is seeking his release on bail during pendency of his Appeal. The Applicant was the accused before the Special Judge, Karad, in Special Case No.9 of 2022. The Learned Judge vide the Judgment and order dated 23.08.2024 convicted the applicant for commission of offences punishable under sections 354 and 326 of the I.P.C. He was sentenced to suffer R.I. for two years and to pay a fine of Rs.2000/- and in default to suffer R.I. for six months for the offence punishable U/s.354 of the I.P.C. He was

sentenced to suffer R.I. for three years and to pay a fine of Rs.10000/- and in default to suffer R.I. for one year for the offence punishable U/s.326 of the I.P.C. Out of the fine, amount Rs.7000/- was directed to be paid to the injured as compensation U/s.357-1(b) of the Cr.p.c. The Applicant was acquitted from the offences punishable under sections 354-A, 384, 504 and 506 of the I.P.C. and U/s.3(1)(r), 3(1)(w)(i)(ii) and 3(1)(za)(A) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

2. Learned counsel for the applicant submitted that the applicant was falsely implicated because of the dispute regarding a stall where the informant's wife was selling the clothes. No such incident had taken place and the applicant has not committed any offence. She submitted that the applicant was on bail during trial and he has not misused that liberty. Even after his conviction, he was granted bail for a temporary period U/s.389 of the Cr.p.c.

3. Learned APP submitted that the offence is proved. However, he conceded that the sentence imposed is short.

4. I have considered these submissions. The incident is

dated 18.03.2021. There is evidence of injured Mahesh and his wife are supporting each other about the incident. The applicant had damaged the stall of the victim and had outraged her modesty. Her husband tried to intervene. The applicant then assaulted him with a stick causing fracture of left forearm and abrasion on left elbow joint as deposed by PW-7 Dr. Sanjay Hardas. The medical evidence shows that the first injury was a stab wound. Whether it could be caused by a stick would be a question which has to be decided at the final hearing stage. There are depositions of eye witnesses also. They will also have to be considered at the final hearing stage. However, the sentence imposed is short. The Appeal is not likely to be decided during that period. The Applicant was on bail during trial and even after his conviction he was granted temporary bail U/s.389 of the Cr.p.c. In this view of the matter, the applicant can be granted bail during pendency of his appeal.

ORDER

- i) During pendency and final disposal of Criminal Appeal No.1046 of 2024, the Applicant is directed to be released on bail on his furnishing

P. R. bond in the sum of Rs.30000/- with one or two sureties in the like amount.

ii) Both the Applications are disposed of.

(SARANG V. KOTWAL, J.)