

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

**INTERIM APPLICATION NO.3900 OF 2024
IN
CRIMINAL APPEAL NO.1062 OF 2024**

1. Mathias Aagastus Ekka, &
2. Lalita Mathias EkkaApplicants
Versus
State of Maharashtra Respondent

Mr. Akhilesh Singh, Advocate a/w. Ruchi Singh for the
Applicants.
Smt. M.R. Tidke, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 01st OCTOBER, 2024

P.C. :

1. The Applicants were convicted by the Additional Sessions Judge, Nashik vide his judgment and order dated 10.9.2024 passed in Sessions Case No.525/2022.

2. Heard Mr. Akhilesh Singh, learned counsel for the Applicants and Smt. M.R. Tidke, learned APP for the Respondent-State.

3. The prosecution case is that the learned J.M.F.C. Shrirampur had issued a warrant directing the police officers

from Shrirampur to search the premises of the Applicants. It is alleged that the Applicants and their two sons resisted. The Applicants manhandled the police officers. Therefore, FIR was lodged and the prosecution was launched. At the conclusion of the trial, both the Applicants were convicted and their sons were acquitted. The major sentence imposed on the Applicants was SI for three months besides imposition of fine.

4. Learned counsel for the Applicants submitted that the very fact that the two accused are acquitted would mean that the prosecution story is not entirely correct. There is discrepancy in the description of the CCTV footage as mentioned by the witnesses. He submitted that both the Applicants were on bail during the trial and even after their conviction they were granted temporary bail by the learned trial Judge. The incident had occurred out of the love for their grand-child, therefore, they also deserve some leniency.

5. Learned APP opposed these submissions, but, she conceded that the sentence imposed on the Applicants is short.

6. I have considered these submissions. The maximum sentence imposed on the Applicants is for three months. The Appeal is not likely to be decided during that period. The Applicant No.1 is a senior citizen and the other Applicant is a lady.

7. Considering these aspects, the Applicants can be granted bail pending their Appeal. Hence, the following order :

ORDER

(i) During pendency and the final disposal of the Applicants' Criminal Appeal No.1062/2024, 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) The Application is disposed of accordingly.