

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

**INTERIM APPLICATION NO.3906 OF 2024
IN
CRIMINAL APPEAL NO.1068 OF 2024**

Salim Ibrahim @ Biram TamboliApplicant
Versus
The State of Maharashtra Respondent

Mr. Rohit D. Gorade, Advocate a/w. Sushant Tare, Hiten A. Raut i/b. Rameshwar Gite for the Applicant.
Ms. Sangita D. Shinde, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 30th SEPTEMBER, 2024

P.C. :

1. Leave to amend to correct the cause title.
Amendment to be carried out forthwith.

2. The Applicant was the accused before the Additional Sessions Judge-5, Nashik in Sessions Case No.108/2022. The Applicant was convicted for commission of the offences punishable under Sections 353 and 332 of IPC. The major sentence imposed on him was RI for one year besides imposition of fine. He was acquitted from the

charges of commission of offence punishable under Sections 504, 188, 269 of IPC.

3. Heard Mr. Rohit Gorade, learned counsel for the Applicant and Ms. Sangita Shinde, learned APP for the Respondent-State.

4. Learned counsel for the Applicant submitted that the incident occurred on 3.7.2020. The allegations are that two Medical Officers had gone to check the COVID-19 positive patients in the Applicant's society. At that time allegedly the Applicant slapped both of them and started shouting.

5. Learned counsel submitted that it was a difficult period for everybody. The Applicant's mother was also suffering from COVID-19 infection and therefore he was under pressure. There was no intention to commit any offence. He submitted that the Applicant was on bail during the trial and even after his conviction he was granted temporary bail by the learned trial Judge.

6. Learned APP submitted that the Applicant has assaulted two doctors on duty. However, he conceded that the sentence imposed is short.

7. I have considered these submissions. The issues raised by both the sides can be decided at the final hearing stage. However, the sentence imposed is one year during which period the Appeal is not likely to be decided. There are no antecedents against the Applicant. He was on bail during the trial. Therefore, the Applicant can be granted bail during pendency of his Appeal.

8. Hence, the following order :

ORDER

- (i) During pendency and the final disposal of the Applicant's Criminal Appeal No.1068/2024, the Applicant is directed to be released on bail on his executing a PR. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)