

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

**INTERIM APPLICATION NO. 4060 OF 2024
WITH
CR. APPEAL NO. 1105 OF 2024**

Vijay Dharma Aakhade ...Applicant
Versus
State Of Maharashtra ...Respondent

Mr. S. K. Ali a/w. Shobi Fatma i/b. Mr. Asif Ali Shaikh for the Applicant.
Ms. P. N. Dabholkar, APP for the Respondent-State
Mr. Kailas Chavan, PSI, Vikroli Police Station present

CORAM : M. M. SATHAYE, J.

DATED : 21st NOVEMBER 2024

P.C.:

1. Heard learned counsel for the Applicant / convict and learned APP for the Respondent / State.
2. This is an Application for suspension of sentence and interim bail during the pendency of the Appeal. The Appeal is filed against the conviction order dated 04/09/2024 by Additional Sessions Judge, CR. No. 23, Greater Mumbai in Sessions Case No. 971 of 2021, sentencing the Applicant to suffer simple imprisonment of 6 months for the offence punishable u/s 353 of Indian Penal Code.
3. Learned Counsel for the Applicant, at the outset has fairly submitted that the Applicant is already in judicial custody in Sessions Case No. 1402/2019.

4. It is the case of the prosecution that on the date of the incident, when the Applicant was being brought to the Metropolitan Magistrate Court, Vikhroli, Mumbai for the purpose of remand, he banged his head in the police van and started quarreling with the Complainant. In such circumstances, said offence was registered.

5. Learned APP has opposed the grant of interim bail.

6. The Applicant is 33 years old. Considering the short sentence awarded to Applicant, coupled with the facts and circumstances narrated above in which he is convicted, I am inclined to grant interim bail in connection with the present conviction.

7. Hence, the application is allowed in following terms.

8. The Applicant – Vijay Dharma Aakhade be released on bail, only in connection with Crime No. 33 of 2015 registered with Vikhroli Police Station, Mumbai, on execution of P. R. Bond in the sum of Rs. 15,000/- with one surety in the like amount.

(M. M. SATHAYE, J.)