

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2377 OF 2025

IN

CRIMINAL APPEAL NO. 680 OF 2025

Popat Kundalik Kopnar

...Applicant

Versus

State of Maharashtra And Anr.

...Respondents

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Mr. Ashok Manik Misal, Advocate for Applicant.

Mr. Abhayraje Kapase, Advocate for Respondent No.2 through legal-aid.

Mr. S. H. Yadav, APP for the Respondent-State.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 28th NOVEMBER 2025

P.C.

1. By this Application the applicant is suspension of sentence and grant of bail.

2. It is contention of learned counsel for the Applicant that applicant was convicted by learned Additional Sessions Judge, Malshiras in Special Case (Atro) No.74 of 2017 by Judgment and order dated 15.05.2025 for the offence punishable under Section 354 of Indian Penal Code and sentenced to suffer rigorous imprisonment of one year and to pay fine of Rs.1,000/-, in default to suffer further rigorous imprisonment for one month. He also convicted for the

offence punishable under Section 354 (A) of the Indian Penal Code and sentenced to suffer rigorous imprisonment of one year and to pay fine of Rs.1,000/-, in default to suffer further rigorous imprisonment for one month. He also convicted for the offence punishable under Section 3(1)(r) of the Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015 and sentenced to suffer rigorous imprisonment of two years and to pay fine of Rs.2,000/-, in default to suffer further rigorous imprisonment for two months. He also convicted for the offence punishable under Section 3(1)(w)(i) of the Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015 and sentenced to suffer rigorous imprisonment of two years and to pay fine of Rs.2,000/-, in default to suffer further rigorous imprisonment for two months. Substantive sentence were directed to be run concurrently. Learned counsel further submitted that during trial the applicant was on bail. The applicant is Karta of his family. It may take time to dispose off the appeal and requested to allow the application.

3. Learned APP along with learned counsel for Respondent No.2 strongly objected to allow the application on the ground that if applicant released on bail, he may abscond and requested to reject the application.

4. I have heard both learned counsel. The sentence imposed upon the applicant is short terms sentence. During trial he was on bail. Considering these facts, I pass following order :

ORDER

- (i) The Application is allowed;
- (ii) The substantive sentence of imprisonment awarded to the applicant by learned Additional Sessions Judge, Malshiras in Special Case (Atro) No.74 of 2017 vide Judgment and order dated 15.05.2025 is hereby suspended pending disposal of appeal.
- (iii) The applicant be enlarged on bail on furnishing PR bond in the sum of Rs.15,000/- with one or two sureties in the like amount.
- (iv) The bail bonds to be furnished before the learned Additional Sessions Judge, Malshiras.

5. The application is allowed in the aforesaid terms and is accordingly disposed off.

6. As Mr. Abhayraje Kapase is appointed to represent Respondent No.2 through legal-aid, professional fees of Rs.10,000/- be paid to him.

(SHIVKUMAR DIGE, J.)