

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

**INTERIM APPLICATION NO.2507 OF 2025
IN
CRIMINAL APPEAL NO.710 OF 2025**

Samit Bhushan PatilApplicant
Versus
The State of Maharashtra Respondent

Mr. Rishikesh Mohite, Advocate for the Applicant.
Mr. S.H. Yadav, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 21st JULY, 2025

P.C. :

1. This is an Application for bail pending Appeal. The Applicant was convicted for commission of the offence punishable under Section 353 of IPC. He was sentenced to suffer SI for three years and to pay a fine of Rs.10,000/- and in default to suffer SI for six months. Out of the aforesaid fine amount, Rs.7000/- was directed to be paid to the first informant as compensation. The Applicant was also

convicted for commission of the offence punishable under Section 332 of IPC and was sentenced to suffer SI for six months. He was further convicted for commission of the offence punishable under Section 333 of IPC and he was sentenced to suffer SI for two years. All the sentences were directed to run concurrently.

2. Heard Mr. Rishikesh Mohite, learned counsel for the Applicant and Mr. S.H. Yadav, learned APP for the Respondent-State.

3. The incident took place on 4.1.2018. It is the prosecution case that the first informant was the gate-keeper at Railway Gate level crossing between Umroli and Boisar railway stations at Jambul Pada. On that date at about 3.00 p.m. to 3.30 p.m., the Applicant was riding a bullock-cart. He wanted to cross the railway track. He abused the informant and gave blow of a stick on his head. The informant suffered injuries to his right hand and abrasion to his left hand.

4. Learned counsel for the Applicant submitted that the incident took place in a public place but no independent witness is examined. The prosecution has not produced the service record of the informant to show that the informant was on duty on that date at that time.

5. Learned APP submitted that there is evidence of the injured informant. His injuries are corroborated by the medical evidence. Therefore, the Applicant does not have a good case on merits.

6. I have considered these submissions. Though at this stage there appears to be some material against the Applicant, however, the maximum sentence imposed on him is only three years. The Appeal is not likely to be decided during this period considering large pendency of cases in this Court. The Applicant was on bail during the trial. Even after conviction he was granted bail under Section 430 of the Bharatiya Nagarik Suraksha Sanhita. The Applicant has no antecedents. Considering this situation, I am inclined to grant bail to the Applicant :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.710/2025, the Applicant is directed to be released on bail on his executing a PR. bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) Interim Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)