

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

**INTERIM APPLICATION NO.3076 OF 2025
IN
CRIMINAL APPEAL NO.859 OF 2025**

Kailas Bhaurao Dhondge & Ors. Applicants
versus
The State of Maharashtra Respondent
.....

- Mr. Satyajeet P. Dighe, Advocate for Applicants.
- Mr. Vishwajit N. Sagare, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 14th AUGUST, 2025**

P.C. :

1. The Applicants have challenged the Judgment and Order dated 19/06/2025 passed by the learned Additional Sessions Judge-8, Nashik, in Sessions Case No.128/2022, whereby the learned Judge convicted the Applicants for commission of offence punishable u/s 353 and 332 r/w 34 of the Indian Penal Code. They were sentenced to suffer simple imprisonment for three months and to pay a fine of Rs.2,000/- each and in default of payment of fine to undergo simple imprisonment for 30 days.

2. The Applicants were also convicted for commission of offence punishable u/s 353 r/w 34 of the Indian Penal Code and were sentenced to suffer simple imprisonment for three months and to pay a fine of Rs.2,000/- each, and in default of payment of fine to suffer simple imprisonment for 30 days. The substantive sentences were directed to run concurrently.
3. The Appeal against the Judgment and Order is admitted by a separate order passed today.
4. Heard Mr. Satyajeet P. Dighe, learned counsel for the Applicants and Mr. Vishwajit N. Sagare, learned APP for the State.
5. Learned counsel for the Applicants submitted that from the allegations against the Applicants it is quite clear that the police officers i.e. the P.W.2 PHC Dnyaneshwar Dhattrak and others could not be said to be performing public duty. The matter arose out of an NC complaint in a bailable offence lodged

against the Applicant by one Dr. Tushar Deore. The Police Officers came to the house of the Applicants at about 08.40 p.m. in the night when they could not have arrested the Applicants in this bailable offence. They had no order of the learned Magistrate to investigate the said offence. Therefore, the offences u/s 353, 332 r/w 34 of the Indian Penal Code are not made out. He further submitted that the sentence is short. Even after their conviction, the Trial Court had granted them bail for a temporary period u/s 430 of BNSS.

6. Learned APP opposed these submissions. According to him the evidence shows that there was a scuffle and the Applicants' family had resisted arrest of the Applicants. Therefore, offence punishable u/s 353, 332 r/w 34 of the IPC is made out.

7. The submissions on issues raised by both the sides will have to be considered at the final hearing stage of the Appeal. At this stage, the learned counsel for the Applicants based on his submissions has made out a case for grant of bail during

pendency of the Appeal. The sentence is short. The Appeal is not likely to be decided within three months. The Applicants were on bail during trial. There are no allegations of misuse of that liberty.

8. Considering these submissions, the Applicants can be granted bail during pendency of their Appeal.

9. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.859 of 2025, the Applicants are directed to be released on bail on their furnishing P.R. bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with one or two sureties each, in the like amount.
- (ii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)