

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

**CRIMINAL APPLICATION NO. 382 OF 2018
IN
CRIMINAL APPEAL NO. 632 OF 2015**

Gorakshya Arjun Mahakal ... Applicant

Versus

State of Maharashtra ... Respondent

Mr. Arun Rajput I/by Anjali Patil for Applicant.
Mr. A. R. Patil, APP for Respondent – State.

**CORAM : PRAKASH D. NAIK, J.
DATE : JULY 9, 2018.**

P.C. :

. This is an application for bail pending Criminal Appeal against conviction.

2. The Applicant is convicted for the offence punishable under Section 376 of the Indian Penal Code and sentenced to suffer Rigorous Imprisonment for seven years. He is also convicted for the offence punishable under Section 4 of the Protection of Children from Sexual

Offences Act, 2012 and sentenced to suffer Rigorous Imprisonment for seven years.

3. Earlier application for bail preferred by the Applicant was rejected by this Court by order dated 10th August 2015 on merits. Thereafter another application was preferred before this Court which was rejected on 29th November 2016 and it was directed that the Criminal Appeal be put up for final hearing in the week commencing from 13th December 2016.

4. The learned Counsel for the Applicant submits that the Applicant has undergone sentence of about four years which is half the sentence awarded by the court while convicting the Applicant. It is further submitted that although the Criminal Appeal was directed to be put up for final hearing, the same is not listed for final hearing. The learned APP submitted that the Applicant has been convicted for serious offence under Section 376 of the Indian Penal Code as well as under Section 4 of the Protection of Children from Sexual Offences Act. The Applications preferred by the Applicant were rejected twice and no case for grant of bail is made out.

5. On going through the orders passed by this Court rejecting the earlier applications for bail, it is apparent that the said applications were rejected on merits by assigning reasons. The case, therefore, cannot be considered again on merits. However, while rejecting the application for bail by order dated 29th November 2016 this Court had directed that the Appeal be put up for final hearing. It appears that the Appeal is not listed for final hearing. In the circumstances, although no case is made out for grant of bail, Criminal Appeal can be directed to be listed for final hearing. Hence, the following order.

ORDER

- (A) Criminal Application No. 382 of 2018 is rejected.
- (B) Registry is directed to list the Criminal Appeal for final hearing in the week commencing from 23rd August 2018.

(PRAKASH D. NAIK, J.)