

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

**INTERIM APPLICATION NO.1751 OF 2021
IN
CRIMINAL APPEAL NO.838 OF 2019
WITH
CRIMINAL APPEAL NO.838 OF 2019**

Janardan Pandurang Kapse

...Applicant

Versus

The State of Maharashtra and
Anr.

...Respondents

....

Mr. Ravindra Chalke for the Applicant.

Mrs. G.P. Mulekar, APP for the Respondent No.1-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 17th JULY, 2021.

P.C.:-

This is a second bail application in appeal filed by the Applicant, who has been convicted for offences punishable under Sections 354A(1)(i), 375-C and 376 of the IPC and Sections 7 and 8 of Protection of Children from Sexual Offences Act, 2012. The only ground on which the second bail application is filed is that the Applicant is in custody since the year 2017 and has almost undergone half of the imprisonment.

2. Having perused the records and particularly the reasons recorded in the order dated 12/12/2019 in Criminal Application No.939 of 2019 while rejecting the previous application for bail, the Applicant is not entitled for bail solely on the ground that he is in custody since 17 years. Appeal is of the year 2019. Appeal itself can be decided finally. Hence, the application is dismissed.

CRIMINAL APPEAL NO.838 OF 2019:

3. Learned counsel for the Appellant undertakes to file paper book within a period of 10 days' time. Appeal be listed for final hearing on **23/08/2021**.

(SMT. ANUJA PRABHUDESSAI, J.)