

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2586 OF 2022
IN
CRIMINAL APPEAL NO.777 OF 2022

Maruti Vyankappa MirajkarApplicant
vs.
State of Maharashtra And Anr. ...Respondents
.....

Mr. Satish K. Kumbhar, for the Applicant.

Smt. J.S. Lohokare, APP, for State/Respondent No.1.

Mr. Bhavik Pratap Manek (Appointed Advocate), for Respondent No.2.

....

CORAM : SARANG V. KOTWAL, J.

DATE : 26 SEPTEMBER 2022

P.C.:

This is an application for bail pending appeal. The Applicant was convicted for commission of offences punishable under Section 354 and 506 of IPC as well as under Section 10 of Protection of Children From Sexual Offences Act, 2012. The major punishment was R.I. for five years, besides imposition of fine. Learned Counsel for the Applicant submitted that he is falsely implicated. He has lodged an NC against victim's family on 1st March 2018. As a counterblast to this allegation of false case. FIR was lodged on 2 March 2018 for the

incident, which had allegedly taken place on 28th February 2018. It is submitted that those dates clearly show that the Applicant is falsely implicated.

2. Learned Counsel for the Applicant submitted that the Applicant was on bail during trial and he has not misused the same.

3. Learned Counsel for Respondent No.2 submitted that the offence is serious and in such cases delay in lodging the FIR does not make any difference. The victim was 11 years of age at the time of the incident and was frightened. She could not tell the incident immediately to anybody.

4. I have considered these submissions. The appeal is already admitted and the submissions made by both the parties will have to be finally decided at the hearing stage. The Applicant was on bail during trial. There are no allegations that he has misused that liberty. The sentence is for five years and within that period it is unlikely that the appeal would be decided. Therefore, the Applicant can be granted bail pending disposal of his appeal.

ORDER

(a) During the pendency of Criminal Appeal No. 777 of 2022, the Applicant is directed to be released on bail on his

executing PR in the sum of Rs.30,000/- with one or two sureties in the like amount.

- (b) The application is disposed of.

(SARANG V. KOTWAL, J.)