

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

**INTERIM APPLICATION NO.2764 OF 2022
IN
CRIMINAL APPEAL NO.837 OF 2022**

Nagesh Laxman Rodda

.... Applicant

versus

State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Ajit V. Alange, Advocate for Applicant.
- Smt. M. R. Tidke, APP for the State/Respondent No.1.
- Mr. Vaibhav A. Sugdare (Appointed Advocate) for Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.
DATE : 13th OCTOBER, 2022**

P.C. :

1. The applicant was convicted for commission of offence punishable under Sections 363 and 506 of the Indian Penal Code as well as under Section 12 of the Protection of Children from Sexual Offences Act, 2012. The major punishment imposed on him, was for one year besides imposition of fine.

2. Heard Mr. Ajit V. Alange, learned counsel for the Applicant, Mr. Vaibhav A. Sugdare, learned counsel for Respondent No.2 and Smt. M. R. Tidke, learned APP for the State.
3. Learned counsel for the applicant submitted that the sentence is short. The applicant was on bail during trial. There are no allegations that he has misused his liberty. He submitted that bare perusal of the deposition shows that no offence is made out under either of the Sections.
4. Learned counsel for respondent No.2 as well as learned APP opposed this application. However, they could not controvert the fact that the sentence is short.
5. I have considered these submissions. I have perused the evidence of P.W.1. The appeal is already admitted. All the points raised by learned counsel for the applicant will have to be decided at the final hearing stage. However, considering the

short sentence and fact of the matter will not be decided within that period, the applicant deserves to be released on bail.

6. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.837 of 2022, the Applicant is directed to be released on bail on his furnishing PR. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only), with one or two sureties in the like amount.
- (ii) The applicant shall not cause harassment to P.W.1 in any manner.
- (iii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)