

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

**INTERIM APPLICATION NO. 2744 OF 2022
IN
CRIMINAL APPEAL NO. 832 OF 2022**

Arun Dattaram Sutar

..Applicant

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Rakesh R. Bhatkar for Applicant.

Smt. M. R. Tidke, APP for State/Respondent No.1.

Mr. Sushan Mhatre (Appointed Advocate) for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 12th OCTOBER 2022

PC :

1. This is an application for bail pending final hearing and disposal of the Criminal Appeal No.832 of 2022 preferred by the Applicant.

2. The Applicant was convicted and sentenced by learned Extra Joint District Judge & Additional Sessions Judge, Ratnagiri vide his Judgment and order dated 25/07/2022 passed in Special Case No.18 of 2021.

The Applicant was convicted for commission of offence

punishable under sections 354 and 506 of the I.P.C., as well as, under section 7 r/w. 8 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act'). The maximum sentence imposed on him was for three years.

3. Learned counsel for the Applicant submitted that the applicant is falsely implicated because of local political rivalry and on the ground of taking charge of festive season. The incident which is the subject matter had taken place on 16/03/2021. It is the case of the prosecution that the applicant was distant relative of the victim. He submitted that, considering the short sentence imposed on him, bail may be granted to the applicant.

4. Learned counsel for the Respondent No.2, as well as, learned APP submitted that, on merits the prosecution has proved its case. However, they could not controvert the fact that the sentence imposed is short.

5. I have considered these submissions. The sentence imposed on the applicant is for three years. The Appeal is not likely to be decided within that period. The Applicant was on bail

during trial and there are no allegation that he has misused that liberty. Therefore, bail can be granted to the applicant pending his appeal.

6. It is noticed that, Shri. Sushan Mhatre is appointed by Legal Services Authority of this Court to represent the Respondent No.2 only in this interim application and he is not specifically appointed in the main Appeal. Since this application is being disposed of by this order, the Respondent No.2 will remain unrepresented, though, the police report mentions that the Respondent No.2 is informed about the pendency of the Appeal, as well.

7. In such situation, the Legal Services Authority of this Court would consider appointing a particular Advocate not only in the pending application, but also in the main Appeal, so that the Appeal can be processed further and such Respondent can be represented during final disposal, unless the Court specifically directs appointment of a legal aid counsel only for the purpose of the application.

8. Hence, the order:

O R D E R

- i) During pendency and final disposal of Criminal Appeal No.832 of 2022, the Applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30000/- with one or two sureties in the like amount.
- ii) The Legal Services Authority of this Court shall take note of the observations made in this order.
- iii) A copy of this order shall be sent to the Legal Services Authority of this Court.
- iv) The Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)