

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

**INTERIM APPLICATION NO. 2895 OF 2022
IN
CRIMINAL APPEAL NO. 872 OF 2022**

Ganesh Eknath Danane	..Applicant
Versus	
The State of Maharashtra & Ors.	..Respondents

Mr. Onkar A. Mane for Applicant.
Smt. M. R. Tidke, APP for State/Respondent No.1.
Mr. Surel S. Shah (Appointed Advocate) for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.
DATE : 28th NOVEMBER 2022

PC :

1. The police report shows that the Respondent No.3 is the victim and she has requested for assistance of a legal aid counsel. Since, Shri. Surel shah, learned counsel appears for the Respondent No.2 who was father of the Respondent No.3, he is appointed to represent the Respondent No.3, as well. He is ready with the matter and, therefore, I have heard both the parties.
2. Learned counsel for the applicant submitted that the maximum punishment imposed on the applicant is for two years,

besides imposition of fine. The Appeal is not likely to be decided within that period. The applicant was on bail during trial and has not misused the same. He is acquitted from the Charges of commission of offence punishable U/s.12 of the Protection of Children from Sexual Offences Act. He has already paid the fine amount.

3. Learned counsel for the Respondent Nos.2 and 3 including learned APP for the State opposed this application on merits. However, they conceded that the sentence is short.

4. I have considered these submissions and I have perused evidence of the victim who is examined as PW-6. Her evidence shows that, she on her own left with the applicant. According to her, her date of birth was 18-07-2001 and the incident had occurred on 15-06-2016. Whether her birth certificate is properly proved and whether her evidence inspires confidence will have to be decided at the final hearing stage of the Appeal. Since the sentence imposed is maximum of two years and the Appeal is not likely to be decided within that period, the applicant deserves to

be released on bail during pendency of his Appeal.

5. Hence, the order:

ORDER

i) During pendency and final disposal of Criminal Appeal No. 872 of 2022 the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30000/- with one or two sureties in the like amount.

ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)