

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

**INTERIM APPLICATION NO.3095 OF 2022
IN
CRIMINAL APPEAL NO.930 OF 2022**

Shri Sarjerao Mahadeo Shinde

.... Applicant

versus

State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Anand S. Patil, Advocate for Applicant.
- Mrs.M.R.Tidke, APP for the State/Respondent No.1.
- Mr. Rahul B. Khot for Respondent No.2.

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

P.C. :

1. This is an application for bail pending Criminal Appeal No.930 of 2022 preferred by the applicant. He has challenged the judgment and order dated 28th July, 2022 passed by the Additional Sessions Judge, Sangli in Special Case (POSCO) No.51 of 2020. Applicant was convicted for the commission of offence punishable under Section 354-A of the Indian Penal Code, 1860 and under Section 8 of the Protection of Children

from Sexual Offences Act, 2012. Maximum sentence imposed on him was three years besides, imposition of fine.

2. Learned counsel for the applicant submitted that he was on bail during the trial and he has not misused the same and informed that even after his conviction, he was granted bail under Section 389 of the Code of Criminal Procedure, 1973. He submitted that the incident could not have taken place because there was another student in the class-room. That student was examined as defence witness. He deposed that no such incident had taken place in his presence.
3. Learned counsel for the Respondent No.2 opposed the application. He submitted that the other student, who was present in the class-room, continued to be a student of that tuition class and, therefore, he had supported the accused, who was a teacher in that tuition class. Incident had occurred and there is no reason to disbelieve the victim, who is examined as P.W.2. The learned Assistant Public Prosecutor opposed the application. However, she conceded that the sentence is short.

4. I have considered these submissions. Sentence is short and appeal is not likely to be decided within this period. The Applicant was on bail during trial and he has not misused the same. Even after his conviction, he was granted bail under Section 389 of the Code of Criminal Procedure, 1973 and has not misused the same. Both the sides have raised some points, which will have to be decided at the final hearing of the appeal. Hence, considering these aspects and the short period of sentence, the applicant is granted bail during the pendency and final hearing of the Criminal Appeal.

5. Hence, the following order :

ORDER

- (i) During pendency of Criminal Appeal No.930 of 2022, the Applicant is directed to be released on bail on his furnishing P.R. 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 the victim or her family members in any manner directly or indirectly.

(iii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)