

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

**INTERIM APPLICATION NO.3353 OF 2022
IN
CRIMINAL APPEAL NO.984 OF 2022**

Amirkhan @ Parvej Raju Shiledar

.... Applicant

versus

State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Prasad Avhad i/by Mr. Kuldeep U. Nikam, Advocates for -- Applicant.
- Mr. Pramod Kathane with Mr. A.R.Kori and Ms. Jyoti Khairmode, for the Respondent No.2.
- Mr. S.R.Agarkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 16th DECEMBER, 2022

P.C. :

1. Applicant has challenged the judgment and order dated 25th August, 2022 passed by the Additional Sessions Judge, (POCSO Court) in Special Case (POCSO) No.88 of 2019. Applicant was convicted for the commission of offence punishable under Section 354-D of the Indian Penal Code, 1860 and Section 12 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO' for short). Sentence imposed on

him was rigorous imprisonment for one year besides imposition of fine.

2. Prosecution case is that the victims, who were sisters, were aged 12 and 15 years. Applicant used to follow them since June, 2018 to June, 2019. On the last occasion, he told one of the victims that he wanted to marry her. Victim got scared and told the incident to the First Informant, who was their mother (P.W.4). On this basis, First Information Report was lodged.
3. Learned counsel for the applicant submitted that sentence is short and the appeal is not likely to be decided within that short period. Applicant was on bail during the trial and he had not misused that liberty. Even after his conviction, he was on bail for limited period. It was submitted that it was not possible for the applicant to commit the offence in crowded locality and the victims could have sought help from others. It was also not believable that victims did not tell to anyone about the behaviour of the applicant for about a year.
4. Learned counsel for the Respondent No.2 submitted that the learned Judge has rightly discussed facts and rightly convicted and sentenced the applicant. Though it was crowded a locality,

First Information Report was lodged subsequently and it was not possible for the police to examine the witnesses, who had seen the incident. He opposed this application. The learned Assistant Public Prosecutor also opposed this application. However, he concedes that sentence is short.

5. I have considered these submissions, which will have to be decided at the final hearing of the appeal. Sentence is short and the appeal is not likely to be decided within that period. Applicant was on bail and he has not misused that liberty. Even after his conviction, he was released on bail for limited period by the trial Court. Considering all these aspects, applicant can be granted bail during the pendency and final hearing of the Appeal.

6. Hence, the following order :

ORDER

- (i) During the pendency of Criminal Appeal No.984 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 any harassment to the victims or their family members directly or indirectly.
- (iii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)