

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

**INTERIM APPLICATION NO.4070 OF 2022
IN
CRIMINAL APPEAL NO.1176 OF 2022**

Anwar Kalam Shaikh

.... Applicant

versus

State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Priyal G. Sarda, Advocate for Applicant.
- Smt. M. R. Tidke, APP for the State/Respondent No.1.

**CORAM : SARANG V. KOTWAL, J.
DATE : 05th DECEMBER, 2022**

P.C. :

1. Heard Mr. Priyal G. Sarda, learned counsel for the Applicant and Smt. M. R. Tidke, learned APP for the State.

2. The Applicant was convicted and sentenced by Additional Sessions Judge (Special POCSO), Solapur, vide his Judgment and Order dated 30/09/2022 passed in Sessions Case No.125 of 2015. The Applicant was convicted for offence

punishable u/s 363, 341 of the Indian Penal Code. The major sentence imposed on him was rigorous imprisonment of one year besides imposition of fine. He was acquitted from the offence under the Protection of Children from Sexual Offences Act, 2012.

3. Learned counsel for Applicant submitted that he was on bail during trial and even after his conviction he was granted bail by the trial Court u/s 389 of Cr.P.C. He submitted that on merits the Applicant has good case. Story of the victim is unbelievable. According to the prosecution case, she was taken to a place which was almost 15 km away from the spot from where she was picked. During this travel she did not raise any shouts and ultimately she was taken to a garden where there were many people including her own neighbours. He submitted that all these alleged facts are unbelievable.

4. Learned APP opposed this application on merits, but she conceded that the sentence is short. Considering the

submissions made by learned counsel for the Applicant, he has made out the case for his release on bail during pendency of Appeal. All the questions raised by both the parties will have to be decided at the final hearing stage.

5. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.1176 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 harass the victim directly or indirectly.
- (iii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)