

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

**INTERIM APPLICATION NO. 911 OF 2022
IN
CRIMINAL APPEAL NO. 38 OF 2022**

Ashok Gopalrao Kalvankar ..Applicant.
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. Chetan Alai for Applicant.
Smt. J. S. Lohokare, APP for State/Respondent No.1.

**CORAM : SARANG V. KOTWAL, J.
DATE : 12th SEPTEMBER 2022**

PC :

1. This is an application for bail pending final hearing and disposal of Criminal Appeal No.38 of 2022 preferred by the applicant. The Applicant was convicted by the learned Special Judge under the Protection of Children from Sexual Offences Act, at Pune in Special Case No.401 of 2017 for commission of offence punishable U/s.7 and 8 of POCSO and U/s.354, 354-A(1)(i) of I.P.C. The maximum sentence imposed on him was for three years besides imposition of fine of Rs.50000/-.

2. Learned counsel for the applicant submitted that the

compensation amount is already deposited by the Applicant before the trial Court. He submitted that the applicant is 74 years of age. The evidence of the victim who is examined as PW-2 is doubtful. Even as per her deposition there were other students, but nobody was examined by the prosecution. Learned counsel also submitted that, after the applicant's conviction he was granted temporary bail under the provisions of Section 389(3) of Cr.p.c. by the trial Court.

3. Learned APP opposed this application and submitted that the offence is serious.

4. I have considered these submissions and I have perused the deposition of PW-2 – victim. The sentence imposed on the applicant is short. He is 74 years of age. There is some substance in the submission of learned counsel for the applicant that none of the other students is examined. Though they were not present as per the prosecution case at the time of incident, but they could have thrown light whether on that day the tuition was there or not. Learned counsel also submitted that the applicant is falsely implicated because of dispute regarding payment of fees. All these

questions will have to be determined and considered at the time of final hearing. However, considering the short sentence imposed on the applicant, the appeal is not likely to be decided during that period. The applicant is 74 years of age. Considering all these aspects, the applicant can be granted bail pending Appeal.

5. Hence, the order:

O R D E R

- i) During pendency and final hearing of Criminal Appeal No.38 of 2022, the applicant is directed to be released on bail on his executing PR. bond in the sum of Rs.30000/- with one or two sureties in the like amount.
- ii) The Interim Application No.911 of 2022 is disposed of.

(SARANG V. KOTWAL, J.)