

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

**INTERIM APPLICATION NO.1133 OF 2021
IN
CRIMINAL APPEAL NO.308 OF 2021**

Javed Shah Jalal Shaikh Applicant
Versus
The State of Maharashtra & Ors. Respondents

Mr. Imtiyaz I. Patel, Advocate for the Applicant.
Smt. M.R. Tidke, APP for the Respondent Nos.1 & 2-State.
Ms. Hema Mahesh Whaval, Advocate (appointed) for
Respondent No.3.

**CORAM : SARANG V. KOTWAL, J.
DATE : 19th SEPTEMBER, 2022**

P.C. :

1. This is an application for bail pending hearing and final disposal of Criminal Appeal No.308/2021. The applicant is convicted for commission of offences punishable under Section 8 of the Protection of Children from Sexual Offences Act and under Sections 354 and 354-A of Indian Penal Code.

2. Heard Mr. Imtiyaz Patel, learned counsel for the applicant, Smt. M.R. Tidke, learned APP for the State and

PRADIPKUMAR
PRAKASHRAO
DESHMANE

Digitally signed by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date: 2022.09.20 11:38:29
+0530

Ms. Hema Whaval, learned appointed counsel for respondent No.3.

3. Learned counsel for the applicant submitted that the major punishment imposed on him was RI for three years. The appeal is not likely to be decided within that period. On merits, he submitted that the applicant was not identified by the victim in this case.

4. Learned counsel for respondent No.3 as well as learned APP opposed this application. They could not controvert the fact that the sentence is only for three years.

5. I have considered these submissions. The major sentence is three years. The appeal is not likely to be decided during that period. The applicant was on bail during trial and there are no allegations that he misused that liberty. Even after the conviction, the trial Court has granted him bail under Section 389 of Cr.PC.. On merits, the victim had not identified the applicant in the Court.

6. Considering all these aspects, the applicant has made out a case for his release on bail during pendency of

the appeal. Hence, the following order :

:: O R D E R ::

- i. During pendency and final disposal of Criminal Appeal No.308/2021, 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. Interim Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)