

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

**INTERIM APPLICATION NO.1169 OF 2022
IN
CRIMINAL APPEAL NO.366 OF 2022**

Mohsin Allauddin Chougule Applicant

versus

State of Maharashtra Respondent

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- Mr. Vikas Kolekar, Advocate for Applicant.
- Smt. J. S. Lohokare, APP for the State/Respondent.
- Mr. Satyajeet A. Rajeshirke, (appointed advocate) for Respondent Nos.2 and 3.

**CORAM : SARANG V. KOTWAL, J.
DATE : 07th SEPTEMBER, 2022**

P.C. :

1. This is an application for the Applicant's release on bail during pendency and final hearing of the Criminal Appeal No.366 of 2022. The Applicant was convicted for the commission of offence punishable u/s 7 r/w 8 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, u/s 354 of the Indian Penal Code and section 91 of the Rights of Persons

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with Disability Act, 2016. The maximum punishment imposed was for a term of three years besides imposition of fine.

2. The prosecution case is that the Applicant was travelling in the same local train compartment as P.W.1 and P.W.2. P.W.1 was a minor. She was accompanying P.W.2 who was her blind aunt. It is the prosecution case that the Applicant touched P.W.1 and P.W.2 inappropriately by touching their breasts.
3. Heard Mr. Vikas Kolekar, learned counsel for the Applicant, Mr. Satyajeet A. Rajeshirke, learned counsel for Respondent Nos.2 and 3 and Smt. J. S. Lohokare, learned APP for the State.
4. Learned counsel for the Applicant submitted that the maximum punishment is three years and the Appeal is not likely to be decided within that short period. He submitted that it can be a case of mistaken identity because at the first instance, P.W.1 did not raise any shouts and P.W.2 could have mistaken the identity of the Applicant.

5. Learned counsel for the Respondent No.2 submitted that the Applicant was caught at the spot by the other passengers. Therefore prosecution has very strong case. Learned APP also supported these submissions.

6. I have considered these submissions. All these issues will have to be decided during final hearing of the Appeal. The Applicant was on bail during the trial and there are no allegations that he had misused his liberty. The Appeal is not likely to be decided within a short period. Therefore the Applicant deserves to be released on bail during pendency of the Appeal.

7. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.366 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 furnish his address and shall continue to furnish address to Investigating Officer, if there is change in the residence.
- (iii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)