

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

**INTERIM APPLICATION NO.1303 OF 2022
IN
CRIMINAL APPEAL NO.419 OF 2022**

Munir Khwajasab Shaikh Applicant
versus
State of Maharashtra & Anr. Respondents
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- Mr. Balwant V. Salunkhe, Advocate for Applicant.
- Mr. Yogesh Y. Dabke, APP for the State/Respondent No.1.
- Mr. Rajesh L. Dharap (Appointed Advocate) for Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.
DATE : 21st SEPTEMBER, 2022**

P.C. :

1. This is an application for bail filed by the Applicant pending disposal of the Criminal Appeal No.419 of 2022. The Applicant has challenged the Judgment and Order dated 31/03/2022 passed in Special case (Child) No.23 of 2019 passed by Special Judge under the POCSO Act, Islampur, Sangli.

2. The Applicant was convicted for offence punishable u/s 354-A (i) and 342 of the Indian Penal Code and u/s 8 and 12 of the Protection of Children from Sexual Offences Act, 2012. The

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major punishment imposed on him was for 3 years besides imposition of fine.

3. Heard Mr. Balwant V. Salunkhe, learned counsel for the Applicant, Mr. Yogesh Y. Dabke, learned counsel for Respondent No.2 and Mr. Rajesh L. Dharap, learned APP for the State.
4. Learned counsel for the Applicant submitted that the Applicant was on bail during trial and he has not misused the liberty. Even after the conviction, he was granted bail by the trial Court u/s 389(3) of Cr.P.C. He submitted that the deposition of the victim who was allegedly 14 years of age, does show that prior to the incident, the Applicant had scolded her and her sister on two occasions and therefore there is strong possibility of false implication.
5. Learned counsel for the Respondent No.2 submitted that on merits the Applicant does not have a good case, but he could not controvert the fact that the maximum sentence is only for 3 years.

6. I have considered these submissions. The Appeal is already admitted. The question raised by both the parties will have to be decided during the final hearing stage. However, considering that the sentence imposed is for 3 years and the Appeal is not likely to be heard within that period, 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.419 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) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)