

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

**INTERIM APPLICATION NO.1273 OF 2022
IN
CRIMINAL APPEAL NO.411 OF 2022**

Dipak Parshuram Handore Applicant
Versus
The State of Maharashtra & Anr. Respondents

Mr. Tushar Sonawane, Advocate for the Applicant.
Mr. P.H. Gaikwad, APP for the Respondent No.1-State.
Mr. Lokesh Zade, Advocate for the Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.
DATE : 3rd OCTOBER, 2022**

P.C. :

1. This is an application for bail pending disposal and final hearing of Criminal Appeal No.411/2022.

2. The applicant was convicted for commission of offences punishable under Section 354 of IPC and under Section 12 read with 11 of the Protection of Children from Sexual Offences Act, 2012. He was sentenced to suffer imprisonment for one year and to pay fine of Rs.1,000/- and in default to suffer imprisonment for one month. This sentence was imposed on both these heads separately but

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both the substantive sentences were directed to run concurrently.

3. Heard Shri Tushar Sonawane, learned counsel for the applicant, Shri P.H. Gaikwad, learned APP for the respondent No.1-State and Shri Lokesh Zade, learned counsel for the respondent No.2.

4. Learned counsel for the applicant submitted that he was on bail during trial. Even after conviction, the trial Court granted him bail under Section 389(3) of Cr.P.C. On merits, he submitted that the applicant has a good case. Though the offence is alleged to have taken place on a crowded road, no independent witness is examined.

5. Learned counsel for the respondent No.2 as well as learned APP opposed this application, but, they conceded that the sentence imposed on the applicant is short. Learned APP, on instructions, stated that there are no allegations that the applicant has committed any other offence during the period that he was on bail.

6. I have considered these submissions. The incident had taken place on 17.10.2016 i.e. about six years

ago. The applicant was on bail during trial. There are no allegations that he has committed any other offence or he has harassed the victim in this case. The appeal is admitted and is pending final adjudication. The appeal is not likely to be decided within a period of one year. Therefore, the applicant deserves to be released on bail. Hence, the following order :

:: O R D E R ::

- i. During pendency and final disposal of Criminal Appeal No.411/2022, 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. The applicant shall not harass the victim in any manner.
- iii. Interim Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)