

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

**INTERIM APPLICATION NO. 1410 of 2022
IN
CRIMINAL APPEAL NO. 463 OF 2022**

Umesh Baliram Koli ..Applicant.
Versus
The State of Maharashtra & Anr. ..Respondents

**WITH
INTERIM APPLICATION NO. 1411 OF 2022
IN
CRIMINAL APPEAL NO. 463 OF 2022**

Mr. Shyamrishi Pathak for Applicant.
Smt. J. S. Lohokare, APP for State/Respondent No.1.
Mr. Sachin S. Gite (Appointed Advocate) for Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.
DATE : 5th SEPTEMBER 2022**

PC :

1. The Applicant was convicted for commission of offence punishable U/s.354-A of IPC and U/s.8 of the Protection of Children from Sexual Offences Act. The maximum sentence imposed on the applicant was of three years, besides imposition of fine.

2. Heard Shri. Shyamrishi Pathak, learned counsel for the

Applicant, Smt. J. S. Lohokare, learned APP for State/Respondent No.1 and Shri. Sachin Gite, Appointed Advocate for the Respondent No.2.

3. Learned counsel for the applicant submitted that the maximum punishment imposed is three years. The Appeal is not likely to be heard within a reasonable period. The applicant was on bail during trial. He has not misused the liberty. The applicant has a good case on merits. The Appeal is already admitted. The F.I.R. was lodged because of quarrel between the victim's mother and the applicant.

4. Learned APP, as well as, learned counsel for the Respondent No.2 opposed this application. They submitted that, a minor girl was harassed by the applicant and, therefore, bail should not be granted to him.

5. I have considered these submissions and I have perused the depositions of the victim who is examined as PW-1 and her mother who is examined as PW-2. The incident had taken place on 11/10/2015 in the lift of their building. The parties were knowing

each other since past many years. It is the allegation of the victim that the applicant misbehaved with her in the lift and touched her inappropriately. There are suggestions that the F.I.R. was an outcome of a quarrel between the victim's mother and the applicant. The maximum punishment imposed on the applicant is 3 years. The Appeal is not likely to be heard within that period. The issues raised in the appeal will have to be decided at the final hearing stage. There are no allegations of misusing of liberty. The applicant was on bail during trial. Considering this, the applicant can be released on bail during pendency and final disposal of this Appeal.

6. Hence, the order:

ORDER

- i) During pendency and final disposal of Criminal Appeal No.463 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) Both the Applications are disposed of.

(SARANG V. KOTWAL, J.)