

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

**INTERIM APPLICATION NO.1527 OF 2022
IN
CRIMINAL APPEAL NO.512 OF 2022**

Jamiruddin Imamuddi Ansari Applicant

versus

State of Maharashtra & Anr. Respondents

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- Mr. Ranjeet H. Patil, Advocate for Applicant.
- Smt. J. S. Lohokare, APP for the State/Respondent.
- Mr. Pawan Mali (appointed advocate), for Respondent No.2.

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

P.C. :

1. This is an application for bail pending final hearing and disposal of Criminal Appeal No.512 of 2022. The Applicant was convicted by the Special Judge, Mangaon, vide Judgment and Order dated 05/05/2022, passed in Special Case No.82 of 2020. The Applicant was convicted for commission of offence punishable u/s 7 r/w 8 and section 11 r/w 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 and u/s

354-B of the Indian Penal Code. The maximum sentence imposed on the Applicant was 3 years besides imposition of fine.

2. Heard Mr. Ranjeet H. Patil, learned counsel for the Applicant, Mr. Pawan Mali, learned counsel for Respondent No.2 and Smt. J. S. Lohokare, learned APP for the State.
3. Learned counsel for the Applicant submitted that during trial he was on bail. He has not misused the liberty. Even after his conviction, his sentence was suspended by the trial Court u/s 389 of Cr.P.C. He submitted that the Applicant has good case on merits. There are indications that the victim i.e. P.W.1 was acting at the behest of the adjoining shopkeeper who had admittedly occupied the shop of the Applicant, after his conviction.
4. Learned APP and learned counsel for the Respondent opposed this application. They submitted that the evidence of the victim is sufficient to prove the case against the Applicant.

5. I have considered these submission. The maximum punishment imposed on the Applicant is short. The Appeal is not likely to be decided within that period. There are some arguable points raised by the Applicant. This shall be decided at the time of final hearing. The Applicant was on bail. He has not misused his liberty. Therefore the Applicant can be released on bail during pendency of the Appeal.

6. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.512 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.)