

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

**INTERIM APPLICATION NO.1705 OF 2022
IN
CRIMINAL APPEAL NO.1121 OF 2022**

Chetan Shamrao Aamre Applicant

versus

State of Maharashtra & Anr. Respondents

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- Mr. Rameshwar N. Gite, Advocate for Applicant.
- Mr. Ajit M. Savagave (Appointed Advocate) for Respondent No.2.
- Mr. S. R. Agarkar, APP for the State/Respondent No.1.

**CORAM : SARANG V. KOTWAL, J.
DATE : 19th DECEMBER, 2022**

P.C. :

1. This is an application for bail pending the Applicant's Criminal Appeal No.1121 of 2022. The Applicant was convicted and sentenced by the Additional Sessions Judge and Special Judge (POCSO), vide his Judgment and Order dated 03/01/2022 passed in Sessions Case (POCSO) No.398 of 2018. The Applicant was convicted for commission of offence punishable u/s 354, 354-D of the Indian Penal Code and u/s 12

of the Protection of Children from Sexual Offences Act, 2012. The maximum sentence imposed on him was for 3 years imprisonment besides imposition of fine.

2. Heard Mr. Rameshwar N. Gite, learned counsel for the Applicant, Mr. Ajit M. Savagave, learned counsel for the Respondent No.2 and Mr. S. R. Agarkar, learned APP for the State.
3. Learned counsel for the Applicant submitted that the sentence is short. The Appeal is not likely to be decided during that period. The Applicant was on bail during trial and he has not misused the liberty. He submitted that the incident is dated 04/08/2018 and the FIR was lodged on 07/08/2018. There is no explanation for such delay. He submitted that on 07/08/2018 a notice u/s 111 of Cr.P.C. was issued in the name of the Applicant in Chapter Case No.398/2018, which mentions that he was arrested and released on bail on 07/08/2018. It was initiated on the complaint of the victim's brother. In that complaint there was absolutely no reference to the victim being harassed by the Applicant. The allegations were that the victim's

brother was threatened and assaulted by the Applicant. The Applicant was under the influence of liquor. Learned counsel therefore submitted that after the Applicant's release on bail in that connection, these serious allegations are made to give a serious colour.

4. Learned counsel for Respondent No.2 submitted that it was not an isolated incident which has led to filing of the FIR. The victim was harassed continuously and the last incident was on 06/08/2018. He therefore submitted that the Applicant does not deserve to be released on bail.
5. Learned APP also supported this contention.
6. I have considered these submissions. The incident had taken place in the year 2018. More than 4 years have passed. In between there are no allegations that the Applicant has harassed the victim. There is some force in the submissions of both the sides. However, these issues will have to be decided at the final hearing stage. The sentence is short. The Appeal is not likely to

be decided during that period. The Applicant is also young. Therefore considering all these aspects, he can be granted bail during pendency of the Appeal.

7. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.1112 of 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 cause any harassment to the victim directly or indirectly.
- (iii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)