

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

**INTERIM APPLICATION NO.2259 OF 2022
IN
CRIMINAL APPEAL NO.700 OF 2022**

Datta Chandrakant Salunkhe Applicant

versus

State of Maharashtra & Anr. Respondents

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- Mr. Sushrut Jadhwar, Advocate for Applicant.
- Mr. S. R. Agarkar, APP for the State/Respondent.
- Dr. Pradeepkumar L. Pardeshi (Appointed Advocate) for Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.
DATE : 23rd NOVEMBER, 2022**

P.C. :

1. This is an application for bail pending Appeal of the Applicant, i.e. Criminal Appeal No.700 of 2022. The Applicant was convicted u/s 7 r/w 8 of the Protection of Children from Sexual Offences Act, 2012 as well as u/s 354 of the Indian Penal Code. The major punishment imposed on him was for 3 years besides the imposition of fine. This Judgment and Order was

passed by the Special Judge under POCSO Act, Greater Mumbai, vide order dated 13/06/2022 in POCSO Special Case No.72 of 2017.

2. Heard Mr. Sushrut Jadhwar, learned counsel for the Applicant, Dr. Pradeepkumar L. Pardeshi, learned counsel for Respondent No.2 and Mr. S. R. Agarkar, learned APP for the State.
3. Learned counsel for Applicant submitted that he was on bail during trial. Even after his conviction he is granted bail u/s 389 of Cr.PC. The Applicant has not misused the liberty. The sentence is short. He submitted that the Applicant has not committed any offence. However, the first informant under misconception and because of misunderstanding has lodged this false complaint.
4. Learned APP as well as learned counsel for the Respondent No.2 opposed this application. Learned counsel for

the Respondent No.2 submitted that because of presumption u/s 29 of POCSO, the conviction is rightly recorded.

5. I have considered these submissions. The Applicant's Appeal is already admitted. All the issues raised in the Appeal as well as the submission made in this application will have to be decided during final hearing stage of the Appeal. The sentence is short i.e. for 3 years. The Appeal is not likely to be decided within that period. He was on bail during trial. Even after his conviction he was granted bail u/s 389 of Cr.PC. He has not misused the liberty. Therefore the Applicant can be granted bail pending his Appeal.

6. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.700 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.)