

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

**INTERIM APPLICATION NO.2522 OF 2022
IN
CRIMINAL APPEAL NO.751 OF 2022**

**....
WITH
INTERIM APPLICATION NO.2521 OF 2022
IN
CRIMINAL APPEAL NO.751 OF 2022**

Vishal Sampatrao Deshmukh Applicant
Versus
The State of Maharashtra & Ors. Respondents

Mr. Deepak Dere, Advocate a/w. Khushboo Agarwal, for the Applicant.

Mr. S.R. Agarkar, APP for the Respondent Nos.1 & 2-State.
Mr. Surel S. Shah, Advocate (appointed) for Respondent No.3.

CORAM : SARANG V. KOTWAL, J.

DATE : 14th OCTOBER, 2022

P.C. :

1. By these applications, the applicant has prayed for suspension of sentence as well as for his release on bail during pendency of Criminal Appeal No.751/2022.

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2. The applicant was convicted and sentenced by Special Judge, Satara vide his judgment and order dated 17.6.2022 passed in Special Child Case No.75/2017. The applicant was convicted for commission of offences punishable under Section 354-A of the Indian Penal Code and under Section 7 read with 8 and Section 11 read with 12 of the Protection of Children From Sexual Offences Act. The major punishment imposed on him was for three years besides imposition of fine.

3. Heard Shri Deepak Dere, learned counsel for the applicant, Shri S.R. Agarkar, learned APP for the respondent Nos.1 & 2-State and Shri Surel Shah, learned appointed advocate for the respondent No.3.

4. Learned counsel for the applicant submitted that the story of the prosecution is completely unbelievable. The son of the applicant was playing just outside the house. It is not possible that the applicant could have committed this offence when the son was around his house though the prosecution case is that he had closed the doors of the house.

The applicant himself is the victim of local politics and is falsely implicated. He submitted that the applicant was on bail during trial and he has not misused the same. After his conviction, he was granted bail under Section 389(3) of Cr.P.C.

5. Learned APP as well as learned counsel for respondent No.3 opposed these applications. They submitted that the victim was six years old and she could not have been tutored to this extent by other family members or the people who were allegedly an inimical terms with the applicant.

6. I have considered these submissions. The fact remains that the sentence is short. The appeal is not likely to be decided within three years. The applicant was on bail during trial. He has not misused the same. There are some arguable points raised by the appellant in the main appeal. The appeal is already admitted. Therefore, considering all these aspects, the applicant deserves to be released on bail during pendency of this appeal. Hence, the following order :

:: O R D E R ::

- i. During pendency and final disposal of Criminal Appeal No.751/2022, 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. Interim Applications are disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)