

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

**INTERIM APPLICATION NO.2601 OF 2012
IN
CRIMINAL APPEAL NO.784 OF 2022**

Swapnil Vilas Lonare Applicant

versus

State of Maharashtra Respondent

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- Mr. Himanshu S. Gavit, Advocate for Applicant.
- Mr. P. H. Gaikwad, APP for the State/Respondent No.1.
- Mr. Surel Shah (Appointed Advocate) for Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.
DATE : 13th OCTOBER, 2022**

P.C. :

1. The Applicant is seeking bail pending final disposal of Criminal Appeal No.784 of 2022. The Applicant was convicted for commission of offence punishable u/s 354-A, 354-B, 452 of the Indian Penal Code and u/s 12 and 8 of the Protection of Children from Sexual Offences Act, 2012. The major punishment imposed on him is three years besides imposition of fine.

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2. The prosecution case is that on 13/09/2017 the Applicant entered the house of the P.W.1 and outraged her modesty. He tore her clothes and touched her inappropriately. Hearing noise his cousin entered the house. The Applicant pushed him and ran away. On the next day, FIR was lodged and the investigation was carried out.
3. Heard Mr. Himanshu S. Gavit, learned counsel for the Applicant, Mr. Surel Shah, learned counsel for Respondent No.2 and Mr. P. H. Gaikwad, learned APP for the State.
4. Learned counsel for the Applicant submitted that during the trial he was on bail. He has not misused the same. He has not committed any other offence. The incident is dated 13/09/2017 and more than five years have passed. The sentence is short. The Appeal is not likely to be decided within that short period. He submitted that considering the young age of the Applicant, his bail application be considered sympathetically.

5. Learned counsel for Respondent No.3 as well as learned APP opposed this application. According to them the offence is serious. He does not deserve any sympathy.
6. I have considered these submissions. The major punishment imposed on him is three years. The Appeal is not likely to be decided within that period. He was on bail during the trial. There are no allegations of commission of any other offence during the bail. Therefore the bail can be granted to the Applicant on certain conditions.
7. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.784 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) The Applicant shall not cause any harassment to P.W.1 in any manner.
- (ii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)