

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

**INTERIM APPLICATION NO. 2653 OF 2022
IN
CRIMINAL APPEAL NO. 791 OF 2022**

Manoj Sarjerao Pawar

..Appellant

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Vikas Shivarkar for Appellant.

Mr. R. M. Pethe, APP for State/Respondent No.1.

CORAM : SARANG V. KOTWAL, J.

DATE : 11th AUGUST 2022

PC :

1. Leave to amend is granted to remove name of the Respondent No.2. Amendment to be carried out forthwith.

2. This is an application for bail pending the hearing and final disposal of Criminal Appeal No.791 of 2022.

3. The Appellant was convicted for commission of offence punishable U/s.354-D of IPC and was sentenced to suffer R.I. for three months and to pay a fine of Rs.2000/- and in default to suffer S.I. for one month. The Appellant was acquitted from the

Charges of commission of offences punishable U/s.354 of IPC and U/s.11 r/w. S.12 of the Protection of Children from Sexual Offences Act. The fine amount was directed to be given to the victim.

4. Learned counsel for the applicant states that, the fine amount is already paid. He submitted that, maximum sentence is three months and the Appeal is not likely to be heard within that period. The main witnesses i.e. PW-2 and 3 who had taken the applicant to the police station do not support the prosecution case.

5. Learned APP submitted that, though the sentence is short, there is likely-hood of repetition of such offence, particularly against the Respondent No.2. Therefore, if bail is granted, conditions be imposed on the applicant.

6. I have considered these submissions. The maximum sentence is only three months. The Appeal is not likely to be taken up for hearing within that short period. The important witnesses i.e. PW-2 and 3 who had taken the applicant to the police station do not support the prosecution case. Therefore, the applicant is

entitled to be released on bail. However, considering the nature of evidence put-forth by the victim i.e. PW-1, some conditions are required to be imposed on the applicant, so that, there shall not be further harassment at the hands of the applicant.

7. Hence, the following order is passed:

O R D E R

- i) Pending the hearing and final disposal of Criminal Appeal No.791 of 2022, the applicant is directed to be released on bail on his executing P.R. bond in the sum of Rs.30000/- with one or two sureties in the like amount.
- ii) The applicant shall attend the concerned police station once in a month for a period of one year from today.
- iii) The applicant shall not cause any harassment to the Respondent No.2.
- iv) The Application is disposed of.

(SARANG V. KOTWAL, J.)