

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

**INTERIM APPLICATION NO.2727 OF 2022
IN
CRIMINAL APPEAL NO.826 OF 2022**

Rahul Vijay Waghmare

.... Applicant

versus

State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Vivek Joshi i/b. Vikas Shivarkar, Advocate for Applicant.
- Smt. M. R. Tidke, APP for the State/Respondent No.1.
- Ms. Mandar Soman (Appointed Advocate) for Respondent No.2.

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

P.C. :

1. The Applicant is convicted for commission of offence punishable u/s 354, 354-A of the Indian Penal Code and u/s 7 and 8 of the Protection of Children from Sexual Offences Act, 2012. The major punishment imposed on him was four years besides imposition of fine.

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2. Heard Mr. Vivek Joshi, learned counsel for the Applicant, Ms. Mandar Soman, learned counsel for Respondent No.2 and Smt. M. R. Tidke, learned APP for the State.
3. The prosecution case is that on 20/09/2017, the victim-P.W.1 travelled in the Rikshaw driven by the Appellant. Since it was crowded, she sat on the front seat next to the Applicant. While travelling the Applicant touched her inappropriately and thus committed that offence. He told his name and told that he used to study in the same school as that of the victim. The victim went to her Junior college and informed this incident to her class teacher and friends. On their advise the FIR was lodged and the investigation was carried out. The defence of the Applicant was that he had bad relations with the management of the school and college and he was rusticated from the institute and therefore due to pressure of college management, the victim was compelled to give this complaint against him.

4. Learned counsel for the Applicant submitted that the Applicant is already in custody for 1 year and 3 months and so far less than 3 years are still remaining. He submitted that the Applicant is a young boy and his future is at stake. On merits he submitted that the incident is unbelievable because there were other passengers in the Rikshaw and the victim did not shout or raise any objection about the Applicant's behaviour. Learned counsel submitted that the Applicant was on bail during the trial and he has not misused the same.

5. Learned APP as well as the learned counsel for Respondent No.2 conceded that the remaining sentence is short.

6. Considering all these aspects, the Applicant can be released on bail during pendency of the Appeal.

7. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.826 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 the victim in any manner.
- (iii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)