

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

**INTERIM APPLICATION NO.2762 OF 2022
IN
CRIMINAL APPEAL NO.836 OF 2022**

Pavan Vikas Walekar Applicant
Versus
The State of Maharashtra & Anr. Respondents

Mr. Mufeez Ansari, Advocate i/b. Jayendra D. Khairnar, for
the Applicant.

Mr. S.R. Agarkar, APP for the Respondent-State.

**CORAM : SARANG V. KOTWAL, J.
DATE : 06th DECEMBER, 2022**

P.C. :

1. Learned APP states that the respondent No.2 was served by the police but the next date as intimated to him was 28.9.2022. On that date i.e. on 28.9.2022, the respondent No.2 was not present and no arrangements were made for representing the respondent No.2 in the case.

2. The applicant is convicted and sentenced by the Additional Sessions Judge, Malegaon vide his judgment and order dated 29.6.2022 passed in Sessions Case

No.104/2014. The applicant was convicted for commission of offence punishable under Sections 354-D and 506 of IPC and was sentenced to suffer SI for one month besides imposition of fine. He was acquitted from the charges under Section 12 of the Protection of Children from Sexual Offences Act.

3. Heard Mr. Mufeez Ansari, learned counsel for the applicant and Shri. S.R. Agarkar, learned APP for the State. The respondent No.2 is served. Therefore, I have heard this application.

4. Learned counsel for the applicant submitted that the sentence is short. The appeal is not likely to be decided during that period. During trial, the appellant was on bail. He has not misused that liberty. Even after his conviction, he was granted bail under Section 389 of Cr.P.C. The alleged incident is old. It had taken place on 18.5.2014. There are no witnesses though it has taken place in an open space.

5. Learned APP opposed this application. He, however, conceded that the sentence is short.

6. Considering all these aspects, the applicant has made out a case for his release on bail during pendency of the appeal. Hence, the following order :

:: O R D E R ::

- i. During pendency and final disposal of Criminal Appeal No.836/2022, 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 Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)

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by
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Deshmane (PS)