

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

**INTERIM APPLICATION NO.2714 OF 2022
IN
CRIMINAL APPEAL NO.816 OF 2022**

Govind Mahipati Mohol Applicant
Versus
The State of Maharashtra & Anr. Respondents

Mr. Nitin Gaware Patil, Advocate for the Applicant.
Mr. S.R. Agarkar, APP for the Respondent No.1-State.
Ms. Grishma N. Lad, Advocate (appointed) for Respondent
No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 01st DECEMBER, 2022

P.C. :

1. This is an application for bail pending final disposal of Criminal Appeal No.816/2022 preferred by the appellant.

2. Heard Shri Nitin Gaware Patil, learned counsel for the applicant, Shri S.R. Agarkar, learned APP for the

respondent No.1-State and Ms. Grishma Lad, learned appointed counsel for the respondent No.2.

3. The applicant was convicted for commission of offences punishable under Section 354 of IPC and under Section 10 read with 9(l),(m) as well as Section 12 of the Protection of Children from Sexual Offences Act. The major punishment imposed on him was for five years besides imposition of fine.

4. Learned counsel for the applicant submitted that the allegations made against the applicant could not be true. The victim was travelling in a crowded school bus and it is not possible for the applicant to have committed the acts alleged against him in the presence of all the students travelling in the same bus. The applicant was on bail during trial and he has not misused the same. He is 72 years of age. Even after conviction, he was granted bail under Section 389 of Cr.P.C. In all, he had spent six months in custody on these false allegations. He has examined himself as a defence witness. He is falsely implicated because of the money

dispute. The applicant had refused to carry the tiffin boxes which the victim's mother wanted to supply to other people.

5. Learned counsel for the respondent No.2 as well as learned APP opposed this application on merits. They submitted that there was no reason for the victim to have falsely implicated the applicant. To some extent, the victim's case is supported by PW-4 who was her friend and who has also deposed that on some occasions the victim used to sit on the front seat. This is important because according to the prosecution when the victim was sitting in the front seat the applicant committed all these acts.

6. I have considered these submissions. The applicant was on bail during trial. There are no allegations that he has misused that liberty. He is 72 years of age. His appeal is already admitted. All the points raised before me will have to be decided at the final hearing stage of the appeal.

7. Considering all these aspects, this application is allowed with following order :

:: O R D E R ::

- i. During pendency and final disposal of Criminal Appeal No.816/2022, 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. The applicant shall not cause harassment to the victim girl directly or indirectly.
- iii. Interim Application is disposed of accordingly.

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
2022.12.03
15:32:22 +0530

(SARANG V. KOTWAL, J.)

Deshmane (PS)