

Anand

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

**CRIMINAL APPLICATION NO. 2795 OF 2022
(FOR BAIL)
IN
CRIMINAL APPEAL NO. 851 OF 2022**

Bharatkumar Dayashankar Pandey .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr. Vaibhav D. Kadam, Advocate, for the Applicant
Mr. P. H. Gaikwad, APP, for the Respondent No. 1 – State
Mr. Shaikh Mohd. Yakub Mohd. Yusuf, Appointed Advocate,
for the Respondent No. 2

CORAM : SARANG V. KOTWAL, J.

DATE : 29.09.2022

P. C.

. This is an Application for bail pending the hearing and final disposal of the Appeal No. 851 of 2022. The Applicant was convicted for commission of the offences punishable under Sections 354, 354-A of the Indian Penal Code and under Section 8 of the Protection of Children from Sexual Offences Act (for short 'POCSO' Act). The major punishment imposed on the Applicant was R. I. for three years besides imposition of fine.

2. Learned counsel for the Applicant submitted that he is falsely implicated. The narration in the deposition of the witnesses itself is unbelievable. The Accused is an Advocate. He was called to seek advice at Kings Circle on 19.05.2014. When he went there, he was trapped by the victim's mother, victim and their friends. He submitted that it was not possible for anybody to commit the offence of the nature described by the victim in a crowded place. It was also not believable that two ladies could drag the Accused to the Police Station. He submitted that as soon as he was trapped by the victim's mother, victim and their friends, he tried to contact the police. Even his mobile was also snatched.

3. I have considered these submissions. The Applicant has raised some arguable points which will have to be decided during the final disposal of the Appeal. The sentence awarded to him is three years. The Applicant was on bail during the trial. Learned counsel for the Applicant submitted that he has deposited the fine amount. He has also

submitted that the Applicant has not misused liberty granted to him. Even after his conviction, the Applicant is granted temporary bail under Section 389(3) of the Code of Criminal Procedure.

4. Considering all these aspects, the Applicant deserves to be released on bail pending the hearing and final disposal of the Appeal. Hence, the following order.

ORDER

(i) 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) with one or two sureties in the like amount in connection with C. R. No. 138 of 2014 registered with the Antop Hill Police Station, Mumbai.

5. The Application is allowed & disposed of accordingly.

(SARANG V. KOTWAL, J.)