

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

**INTERIM APPLICATION NO. 2743 OF 2022  
IN  
CRIMINAL APPEAL NO. 831 OF 2022**

Shankar Sadashiv @ Tatya Kharat (Pujari) ..Applicant.  
Versus  
State of Maharashtra & Anr. ..Respondents

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Ms. Vilasini B. i/b. Mr. Jaydeep D. Mane for Applicant.

Mr. S. R. Agarkar, APP for State/Respondent No.1.

Mr. Irfan Alim Shaikh (Appointed Advocate) for Respondent No.2.

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**CORAM : SARANG V. KOTWAL, J.  
DATE : 11<sup>th</sup> OCTOBER 2022**

**PC :**

1. This is an application for bail preferred by the applicant pending the hearing and final disposal of Criminal Appeal No. 831 of 2022. The applicant was convicted for commission of offence punishable U/s.363 of I.P.C. and was sentenced to suffer R.I. for two years and to pay a fine of Rs.5000/- and in default of payment of fine to suffer S.I. for three months. He was acquitted of the offence punishable U/s.366-A, 376(2)(i)(n) of I.P.C. and U/s.4 of

the Protection of Children from Sexual Offences Act.

2. Learned counsel for the Applicant submitted that, he was on bail during trial and he has not misused that liberty. After conviction also the applicant was granted bail U/s.389(3) of Cr.p.c.

3. Learned counsel for the Respondent No.2 opposed this application. He submitted that, her age is not disputed, therefore, it is proved that she was minor. He submitted that, there is no explanation offered by the applicant as to why she was taken away to Pune.

4. I have considered these submissions. I have also perused the evidence of the victim. She has deposed that, in 2014 the applicant had taken her to Pune. She had flatly denied that, he had committed any sexual intercourse with her. To that extent, she has supported the defence. Therefore, considering the short sentence, the applicant deserves to be released on bail.

5. Hence, the order:

O R D E R

- i) During pendency and final disposal of Criminal Appeal No. 831 of 2022, the applicant is directed to be released on bail on his furnishing P. R. Bond in the sum of Rs.30000/- with one or two sureties in the like amount.
- ii) The Applicant shall not try to contact the victim in any manner and shall not cause any harassment to her.
- iii) The Application is disposed of.

**(SARANG V. KOTWAL, J.)**