

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

**INTERIM APPLICATION NO.2816 OF 2022
IN
CRIMINAL APPEAL NO.856 OF 2022**

Laxman Ramchandra Lakade Applicant

versus

State of Maharashtra Respondent

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- Ms. Neha R. Kokare, Advocate for Applicant.
- Mr. S. R. Agarkar, APP for the State/Respondent No.1.
- Ms. Dhruti M. Kapadia (Appointed Advocate) for Respondent No.2.

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

P.C. :

1. This is an application for bail. The Applicant was convicted for commission of offence punishable under Section 354 of the Indian Penal Code and under Section 3(1) (r) (w) (i) and under Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The major punishment imposed on him was for three years besides imposition of fine.

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2. The prosecution case is that the victim/P.W.1 was knowing the Applicant. On 05/05/2018 when P.W.1 was returning back to her house, the Applicant outraged her modesty. The P.W.1 went home and narrated the incident to her mother-in-law, who went to the house of the Applicant and confronted him. He apologized and then he said that he did not do anything. On that day, the victim did not lodge her FIR. She lodged it on the next day.
3. Heard Ms. Neha R. Kokare, learned counsel for the Applicant, Ms. Dhruiti M. Kapadia, learned counsel for the Respondent No.2 and Mr. S. R. Agarkar, learned APP for the State.
4. Learned counsel for the Applicant submitted that the Applicant was on bail during trial and he has not misused the same. The Applicant is falsely implicated because the family of P.W.1 was expecting payment of money from the Applicant as he

had taken his pipeline from their land. She submitted that because of this enmity he is falsely implicated. She invited my attention to cross-examination of PW.1 wherein she has admitted that her husband was passing from near that area when the incident took place and yet she has not sought his help.

5. Learned APP conceded that the sentence is short. Learned counsel for Respondent No.2 opposed the application. She submitted that the prosecution has sufficiently proved the case against the Applicant.

6. I have considered these submissions. The sentence imposed on the Applicant is maximum three years and the Appeal is not likely to be decided during that period. On merits also there are arguable points raised by the learned counsel, which will have to be decided during the final hearing of the Appeal. Considering these aspects, the Applicant can be released

on bail during pendency of the Appeal. He was on bail and he has not misused the same.

7. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.856 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) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)