

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

**INTERIM APPLICATION NO.2888 OF 2022
IN
CRIMINAL APPEAL NO.870 OF 2022**

Omkar Sunil Sawant Applicant

versus

State of Maharashtra Respondent

.....

- Mr. Tukaram Shendge, Advocate for Applicant.
- Smt. J. S. Lohokare, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 05th SEPTEMBER, 2022**

P.C. :

1. The Applicant was convicted for commission of offence punishable u/s 354 and 506 of the Indian Penal Code. The maximum sentence imposed on him was for 3 years besides imposition of fine.

2. The Applicant was acquitted from the charges of commission of offence punishable u/s 12 of the Protection of Children from Sexual Offences Act (POCSO), 2012.

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3. Heard Mr. Tukaram Shendge, learned counsel for the Applicant and Smt. J. S. Lohokare, learned APP for the State.
4. Learned counsel for the Applicant submitted that the Applicant was on bail during trial and there are no allegations of misuse of his liberty. The Applicant was 19 years of age at the time of alleged incident. Even from the allegations the incident is a minor incident. The Applicant has good chances on merits. The Appeal is already admitted.
5. Learned APP though opposed this application, could not counter the submissions that it is a short sentence and there are no further allegations against the Applicant of commission of other offence when he was on bail during trial.
6. I have considered these submissions. I have also perused the evidence of P.W.1, the victim. The Applicant is acquitted from the charges of offence punishable u/s 12 of POCSO. The maximum sentence is 3 years. The Appeal is not likely to be decided during that period. The Applicant was on

bail during trial. There are no allegations of misuse of liberty. Even after his conviction he was granted bail for a temporary period by the trial Court, vide its order dated 04/08/2022.

7. Considering all these aspects, the Applicant can be granted bail during pendency of this Appeal.

8. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.870 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.)