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

**INTERIM APPLICATION NO.3576 OF 2022
IN
CRIMINAL APPEAL NO.1046 OF 2022**

Tatya @ Bharat Pandurang Rokade Applicant

versus

State of Maharashtra & Anr. Respondents

.....

- Mr. Sarang Aradhye with Ms. Gauri Velankar, Advocates for -- Applicant.
- Mr. Vinayak Katki, for Respondent No.2 (Appointed Advocate).
- Mrs. M.R.Tidke, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 16th DECEMBER, 2022

P.C. :

1. This is an application for bail pending appeal. Applicant was convicted under Section 354 of the Indian Penal Code, 1860 and under Section 8 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO' for short). Major sentence imposed on him was rigorous imprisonment for three years besides imposition of fine amount.

2. Prosecution case is that victim was aged 13 years on 21st April, 2019 when the incident had taken place. In the morning at 10.30 a.m., the victim was alone in the house. When she was cooking, the applicant entered her house. He demanded water for drinking. Victim refused but he continued to remain in the house. He told her that he liked her. He caught her and touched her inappropriately. Victim came out of the house crying and told the incident to a neighbour. After that her mother came. She narrated the incident to her mother. Then, First Information Report was lodged.
3. Learned counsel for the applicant submitted that maximum sentence is three years and the appeal is not likely to be decided within that period. He submitted that sentence is on higher side in the back-drop of the allegations. Applicant was around 21 years of age at the time of incident and hence, was quite young. Allegations are exaggerated and he is falsely implicated in this case. Learned counsel for the applicant submitted that applicant was on bail during the trial and he had not misused that liberty. He was also released on bail

under Section 389 of the Code of Criminal Procedure, 1973 for limited period.

4. Learned counsel for the Respondent No.2 and the learned Assistant Public Prosecutor opposed this application.

5. I have considered these submissions. Sentence is short and appeal is not likely to be decided within that period. Points raised by the learned counsel for the Applicant can be considered at the stage of final hearing of the appeal. The applicant is young. Considering all these aspects, the applicant can be released on bail.

6. Hence, the following order :

ORDER

- (i) During the pendency of Criminal Appeal No.1046 of 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 any harassment to the victim directly or indirectly.

(iii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)