

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

**INTERIM APPLICATION NO. 4353 OF 2022  
IN  
CRIMINAL APPEAL (ST) NO. 21194 OF 2022**

Anand Periyarswami Arjun ..Applicant.  
Versus  
The State of Maharashtra & Anr. ..Respondents

Mr. Gajendra Jadhav for Applicant.  
Smt. M. R. Tidke, APP for State/Respondent No.1.

**CORAM : SARANG V. KOTWAL, J.  
DATE : 20<sup>th</sup> DECEMBER 2022**

**PC :**

1. Leave to amend to conceal the identity of the Respondent No.2. Amendment to be carried out forthwith.

2. This is an application for bail pending final hearing and disposal of Appeal. The Applicant was convicted by learned Special Judge under POCSO Act, Greater Mumbai vide his Judgment and order dated 29/09/2021 passed in POCSO Special Case No.667 of 2018. The Applicant was convicted for commission of offence punishable U/s.6 of the Protection of Children from Sexual Offences Act (for short 'POCSO Act') and was sentenced to

suffer R.I. for 10 years and to pay a fine of Rs.2000/- and in default of payment of fine to suffer R.I. for 1<sup>1/2</sup> month. He was also convicted for commission of offence punishable U/s.363 of the I.P.C. and was sentenced to suffer R.I. for two years and to pay a fine of Rs.1000/- and in default of payment of fine to suffer R.I. for 15 days. He was also convicted for commission of offence punishable U/s.506(II) of the I.P.C. and was sentenced to suffer R.I. for one year and to pay a fine of Rs.1000/- and in default of payment of fine to suffer R.I. for 15 days. All the sentences were directed to run concurrently. The applicant was given set off U/s.428 of the Cr.p.c.

3. The incident took place on 12/09/2018. The victim boy was about eight years of age at that time. His birth date was 19/05/2010. He had gone to see various decorations during festival time. The Applicant took him to a secluded spot and committed the offences which are punishable under section 6 of the POCSO Act and U/s.377 of I.P.C.

4. Learned counsel for the applicant submitted that the

applicant is in custody since 2018 and he has undergone major part of his sentence. He further submitted that the test identification parade was held belatedly and, therefore, identity of the culprit is in doubt.

5. Learned APP opposed this application. She submitted that the offence is serious and there is medical evidence against the applicant.

6. I have considered these submissions. In particular, I have perused the deposition of the victim. He has described the incident in detail. He has also deposed that, he had identified the applicant in test identification parade out of seven persons standing at that time. He has even identified the applicant before the Court. Thus, at this stage, there is sufficient evidence against the present applicant. No case for grant of bail during pendency of the Appeal is made out.

7. The Application is rejected.

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