

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

**INTERIM APPLICATION NO.380 OF 2023
IN
CRIMINAL APPEAL NO.94 OF 2023**

Kalyan Manohar @ Bitu Sirsat Applicant

versus

State of Maharashtra & Anr. Respondents

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- Mr. Tejas Hilage, Advocate for Applicant.
- Mr. S. R. Agarkar, APP for the State/Respondent No.1.

**CORAM : SARANG V. KOTWAL, J.
DATE : 01st FEBRUARY, 2023**

P.C. :

1. This is an application for bail pending final disposal of the Appeal filed by the Applicant. The Applicant was convicted and sentenced by the District Judge-4 and Special Judge (POCSO) Act, Solapur, vide his Judgment and Order dated 09/01/2023 passed in Special Case No.06/2017.

2. The Applicant was convicted for commission of offence punishable u/s 354(A)(i), 341, 452, 323, 504, 506 of the Indian

Penal Code. The major sentence imposed on him was three years besides imposition of fine. He was acquitted from the charges of commission of offence punishable under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Heard Mr. Tejas Hilage, learned counsel for the Applicant and Mr. S. R. Agarkar, learned APP for the State.
4. The prosecution case is that the Appellant was neighbour of the victim. The incident took place on 31/01/2017 at about 11.00 p.m. The victim was sleeping in the tin shed. Her father and other family members were sleeping inside the house. The Applicant entered the tin shed and outraged her modesty and also assaulted her. When the scuffle was going on, son of the victim (P.W.5) came there hearing the noise and saw the incident. The victim's father (P.W.4) also came there and saw the Applicant. On the next day, the victim went to the police station and lodged her FIR. The investigation was carried out. The Applicant faced the trial and was convicted as mentioned earlier.

5. Learned counsel for the Applicant submitted that the Applicant is falsely implicated in this case because of politics. He has not committed any offence. The incident is not witnessed by anybody else and the victim is not telling the truth. He submitted that the Applicant was on bail during trial and he has not misused the same. There is no further allegation against the Applicant. The Appeal is not likely to be decided within the period of three years.

6. Learned APP opposed this application. According to him, the victim was continuously being harassed. The incident is also seen by the victim's son.

7. I have considered these submissions. The point raised by both the sides will have to be considered at the final hearing stage. The sentence imposed is short. The Appeal is not likely to be decided within three years. The Applicant was on bail for long period and there are no allegations of misuse of that liberty.

8. Considering these aspects, the Applicant can be granted bail during pendency of his Appeal.

9. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.94 of 2023, 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 or her family.
- (iii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)