

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

**INTERIM APPLICATION NO.3289 OF 2022
IN
CRIMINAL APPEAL NO.974 OF 2022**

Santosh Uttamrao Pawar

.... Applicant

versus

State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Sandip L. Babar, Advocate for Applicant.
- Mr. S. R. Agarkar, APP for the State/Respondent No.1.
- Mr. Amresh B. Sharma (Appointed) Advocate for Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.
DATE : 11th JANUARY, 2023**

P.C. :

1. This is an application for bail pending final disposal of the Criminal Appeal No.974 of 2022 preferred by the Applicant challenging the Judgment and Order dated 12/09/2022 passed by the Extra Joint Additional Sessions Judge, Karad in Special Case No.14/2021. The Applicant was convicted for commission of offence punishable u/s 354, 354(D) of the Indian Penal Code

and u/s 12 of the Protection of Children from Sexual Offences, Act, 2012. He was sentenced to suffer rigorous imprisonment for one year as the major punishment besides imposition of fine.

2. Heard Mr. Sandip L. Babar, learned counsel for the Applicant, Mr. Amresh B. Sharma, learned counsel for Respondent No.2 and Mr. S. R. Agarkar, learned APP for the State.
3. The prosecution case is that, the victim was about 17 years of age at the time of incident dated 08/01/2022. According to her, the Applicant followed her on his two wheeler when the victim and her friends were walking towards her college. He suddenly caught her hand and told her that he liked her. Then he left her. The victim told this incident to her brother and on this basis the FIR was lodged.
4. Learned counsel for the Applicant submitted that he was on bail during trial and he has not misused that liberty.

Even after his conviction he was granted bail for a temporary period by the Trial Court. He submitted that the identity of the Applicant at the time of incident is in serious dispute as the victim has admitted in the cross-examination that he was wearing a mask. He submitted that therefore bail should be granted to the Applicant.

5. Learned APP and learned counsel for the Respondent No.2 opposed this application. They submitted that the victim's friend who is examined as P.W.2 was an eyewitness and she has stated in her cross-examination that the Applicant had pulled his mask towards his neck and thus his identity is established.

6. I have considered these submissions. The rival contentions of both the parties can be decided at the final hearing stage. The Appeal is not likely to be decided within a period of one year which is the maximum sentence imposed on him. The Applicant was on bail during trial. There are no allegations of misuse of that liberty. Considering all these

aspects, the Applicant can be granted bail pending his Appeal for final disposal.

7. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.974 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.)