

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

**INTERIM APPLICATION NO.591 OF 2023
IN
CRIMINAL APPEAL NO.161 OF 2023**

Bhagwan Dnyanoba Kachare Applicant

versus

State of Maharashtra & Anr. Respondents

.....

- Mr. Deepak Girme i/b. Pranav D. Girme, Advocate for Applicant.
- Smt. M. R. Tidke, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 20th FEBRUARY, 2023**

P.C. :

1. This is an application for bail pending final disposal of the Appeal No.161 of 2023 preferred by the Applicant against the Judgment and Order dated 02/01/2023 passed by the Extra Joint the Additional Sessions Judge, Pune, in Special Case (POCSO) No.80 of 2018. The Applicant was the original accused No.1.

Digitally
signed by
MANUSHREE
V
NESARIKAR
Date:
2023.02.20
17:04:46
+0530

Nesarikar

(i) He was convicted and sentenced for commission of offence punishable u/s 354 of the Indian Penal Code and was sentenced to suffer rigorous imprisonment for one year and to pay a fine of Rs.10,000/- and in default of payment of fine to suffer rigorous imprisonment for two months.

(ii) He was also convicted for commission of offence punishable u/s 341- of the Indian Penal Code and was sentenced to pay a fine of Rs.500/- and in default of payment of fine to suffer simple imprisonment of 15 days.

(iii) He was also convicted for commission of offence punishable u/s 506 of the Indian Penal Code and was sentenced to suffer rigorous imprisonment for three months and to pay a fine of Rs.2,000/- and in default of payment of fine to suffer rigorous imprisonment for one month.

2. Heard Mr. Deepak Girme, learned counsel for the Applicant and Smt. M. R. Tidke, learned APP for the State.

3. Learned counsel for the Applicant submitted that the victim had not immediately narrated the incident which allegedly had taken place on 18/04/2017. It is only after her uncle confronted her about it because of a phone call made by the Applicant to her uncle, she narrated the incident to her family members. This was done on 24/04/2017. Therefore, there is unexplained delay on her part. He submitted that the Applicant was a relative of the victim. The incident is old and since then there are no further allegations of any harassment to the victim by the Applicant. He was on bail during trial and even after his conviction he was granted bail u/s 389 of Cr.PC.

4. Learned APP opposed this application. But she conceded that the sentence is short.

5. I have considered these submissions. The sentence indeed is short and the Appeal is not likely to be decided within that short period. The incident had allegedly taken place on 18/04/2017. After that incident, there are no further allegations

of harassment caused to the victim by the Applicant. All the points raised by the learned counsel for the Applicant, will have to be considered at the final hearing stage. The Appeal is not likely to be decided shortly.

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

7. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.161 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.)