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

**INTERIM APPLICATION NO. 1685 OF 2023
IN
APPEAL NO. 519 OF 2023**

Rakesh Hem Jha ..Applicant
VS.
The State of Maharashtra and anr. ..Respondents

Mr. Anil J. Jadhav, for the Applicant.
Mr. Veerdhaval Deshmukh, for Respondent No.2.
Ms. Anamika Malhotra, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 1, 2023

P.C. :

1. Heard learned counsel for the applicant, learned APP for the State and Mr. Deshmukh, learned counsel appearing for the victim-respondent no. 2.

2. Learned APP and Mr. Deshmukh opposed the application for bail. The appeal is filed challenging the conviction recorded by the trial Court for the offences punishable under sections 354(D) and 509 of the Indian Penal Code ('IPC', for short) and under section 12 of the Protection of Children From Sexual Offences Act, 2012

('POCSO', for short) thereby the applicant is made to suffer rigorous imprisonment for 1 year for the offence punishable under section 354(D) of IPC, in default of payment of fine. The applicant is made to further suffer rigorous imprisonment for 2 months and to suffer rigorous imprisonment for 1 year for the offence under section 11(iv) punishable under section 12 of the POCSO Act, in default payment of fine, further 1 month.

3. The applicant was on bail during the trial. There is nothing on record to indicate that the applicant has misused the facility of bail while he was on bail during trial.

4. Considering that the substantive sentence is for a period of 1 year, upon hearing the learned counsel and upon perusing the judgment, I am inclined to allow the application and enlarge the applicant on bail.

5. The application is allowed.

6. The applicant – Rakesh Hem Jha is enlarged on bail on his furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount to the satisfaction of the trial Court.

- 7.** The applicant shall not make any attempt to contact the victim.
- 8.** The applicant shall remain present during the hearing of the appeal.
- 9.** At the request of learned counsel for victim, hearing of the appeal is expedited.
- 10.** On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer of the concerned Police Station and shall keep him updated, if there is any change.
- 11.** The applicant shall report to the investigating officer of Malbar Hill Police Station once in 6 months i.e. in the month of September and March commencing from September 2023 on Monday of the concerned month between 11.00 a.m. to 12.00 p.m.
- 12.** The application is disposed of.

(M. S. KARNIK, J.)