

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

**INTERIM APPLICATION NO. 2799 OF 2023
IN
CRIMINAL APPEAL NO. 763 OF 2023**

Rakesh Ramesh Chavan ...Applicant
Versus
State Of Maharashtra and Anr. ...Respondents

Mr. Sudip Mallick, Advocate for the Applicant.

Ms. Keral Mehta for Respondent No.2.

Mrs. P. P. Shinde, APP for the Respondent-State.

Digitally signed
by E. THAPE
DN: cn=E. THAPE,
o=JUDGE,
ou=JUDGE,
c=IN

**CORAM : NITIN B. SURYAWANSHI, J.
DATE : 17th OCTOBER 2023**

PC.:

1. Substantive sentence of three years of imprisonment and fine of Rs. 6,000/- is imposed on the applicant by the trial Court while convicting him for offences punishable under Sections 363, 511, 506, 354(D)(i) of Indian Penal Code, 1860 and Sections 12 and 18 of the Protection of Children from Sexual Offences Act, 2012.

2. After conviction, applicant was released on bail under Section 389 of Cr.P.C. The applicant due to his poor financial condition could not earlier approach this Court and file appeal. He was arrested on 7th July 2023 and since then he is in custody.

Order modified as per speaking to minutes of order dated 02.11.2023.
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3. Heard learned Advocate for applicant, learned Advocate for Respondent No.2 and learned APP for Respondent-State.

4. Learned APP and learned Advocate representing respondent No.2 has strenuously opposed the bail application on the ground that the trial Court has found sufficient evidence against the applicant. Applicant is rightly convicted and therefore is not entitled for bail.

5. During trial applicant was on bail. He has not misused the facility of bail, even after conviction he was released on bail.

6. In this view of the matter, application deserves to be allowed.

Hence, the following order:-

(i) Applicant be released on bail on his furnishing PR bond in the sum of Rs. 10,000/- with one solvent surety in the like amount.

(ii) The Legal Aid Service Authority is directed to pay the fees of appointed Advocate within four weeks from today.

7. Application stands disposed off.

(NITIN B. SURYAWANSHI, J.)