

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

**INTERIM APPLICATION NO.3520 OF 2022
IN
CRIMINAL APPEAL NO.1029 OF 2022**

Baliram Dagdu Bhokare Applicant

versus

State of Maharashtra & Anr. Respondents

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- Mr. Ratnesh M. Dube (Appointed) Advocate for Applicant.
- Smt. M. R. Tidke, APP for the State/Respondent No.1.
- Mr. Vaibhav V. Ugle (Appointed) Advocate for Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.
DATE : 23rd JANUARY, 2023**

P.C. :

1. This is an application for bail pending Applicant's Appeal. The Applicant was convicted for commission of offence punishable u/s 354-A(1)(i) of the Indian Penal Code and u/s 8 of the Protection of Children from Sexual Offences Act, 2012 and u/s 3(1)(w)(j) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. The

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major punishment imposed on him was for three years besides imposition of fine.

2. Heard Mr. Ratnesh M. Dube, learned counsel for the Applicant, Mr. Vaibhav V. Ugle, learned counsel for the Respondent No.2 and Smt. M. R. Tidke, learned APP for the State.

3. Learned counsel for Applicant submitted that the incident allegedly took place on 12/01/2018 in a shop, which was surrounded by other shops. It was a crowded locality. Nobody had seen the victim going to the shop of the Applicant. There is no corroboration to the evidence of the victim. There was monetary dispute between the Applicant and the victim's family. Therefore, he is falsely implicated. The Applicant was on bail during trial and he has not misused the said liberty. He is a senior citizen. Even after his conviction, he was granted bail u/s 389 of Cr.P.C.

4. Learned APP as well as the Respondent No.2 opposed this application. They submitted that the victim's age is not in dispute. She was a minor. The Applicant had taken advantage of the situation and committed this offence. The offence was committed in the shop. There could not be any eyewitness to the incident.

5. I have considered these submissions. The issues raised by both the sides will have to be considered at the final hearing stage. The sentence imposed on the Applicant is short. He is a senior citizen. There are no allegations of misuse of liberty. Even after his conviction, he was granted bail u/s 389 of Cr.P.C. for a temporary period. The Appeal is not likely to be decided within the period of three years.

6. Considering this situation, the Applicant can be granted bail pending Appeal.

7. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.1029 of 2022, 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 harass the victim or her family in any manner.
- (iii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)