

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

**INTERIM APPLICATION NO.3793 OF 2022
IN
CRIMINAL APPEAL NO.1124 OF 2022**

Manik Chokhaji Khillare Applicant

versus

State of Maharashtra & Anr. Respondents

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- Mr. Roshan Hule i/b. R. D. Suryawanshi, Advocate for Applicant.
- Smt. M. R. Tidke, APP for State/Respondent No.1.
- Mr. Shailesh Ghag (Appointed) Advocate for Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.
DATE : 24th JANUARY, 2023**

P.C. :

1. This is an application for bail pending final disposal of the Applicant's Criminal Appeal No.1124 of 2022. The Applicant was convicted and sentenced by the Additional Sessions Judge and Special Judge (POCSO) vide his Judgment and Order dated 26/09/2022 passed in Sessions Case (POCSO) No.37 of 2020. The Applicant was convicted for commission of offence punishable u/s 509 of the Indian Penal Code and u/s 12 r/w 11

of the Protection of Children from Sexual Offences Act, 2012. He was sentenced to suffer rigorous imprisonment for three years and to pay a fine of Rs.3,000/- and in default of payment of fine to suffer simple imprisonment of one month.

2. Heard Mr. Roshan Hule, learned counsel for the Applicant, Mr. Shailesh Ghag, learned counsel for Respondent No.2 and Smt. M. R. Tidke, learned APP for the State.
3. Learned counsel for the Applicant submitted that the sentence imposed on the Applicant is short. The Applicant was on bail during trial. Even after his conviction he was granted bail u/s 389 of Cr.P.C. He has not misused that liberty. He submitted that the Applicant is falsely implicated because of some financial transaction between the victim's family and the Applicant's family. The Applicant was the maternal uncle of the victim. He submitted that there are no corroborative pieces of evidence. The FIR is lodged after two days and no explanation is offered.

4. Learned counsel for the Respondent No.2 as well as learned APP opposed this application. They submitted that the incident was repeated with two victims. Therefore the Applicant does not deserve any sympathy for consideration of bail pending his Appeal.

5. I have considered these submissions. The points raised by both the sides will have to be decided at the final hearing stage. However, the sentence imposed is short. The Appeal is not likely to be decided within that short period. The Applicant was on bail during trial. Even after his conviction he was granted bail for a limited period. There are no allegations of misuse of that liberty. Therefore, considering all these aspects, the Applicant can be granted bail during pendency of the Appeal.

6. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.1124 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 cause any harassment to any of the victims or their families.
- (iii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)