

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

**INTERIM APPLICATION NO.3794 OF 2022
IN
CRIMINAL APPEAL NO.722 OF 2022**

Harish Shridharrao Ambadvar Applicant

versus

State of Maharashtra & Anr. Respondents

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- Ms. Shraddha Chavan a/w Komal Gosavi i/b. Yogendra M. Pendse, Advocate for Applicant.
- Mr. S. R. Agarkar, APP for the State/Respondent No.1.
- Mr. Jayant J. Satghar (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 Applicant Criminal Appeal No.722 of 2022. The Applicant was convicted and sentenced by the Special Judge, Thane, vide his Judgment and Order dated 18/06/2022 passed in Special Case No.172 of 2016.

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- (i) The Applicant was convicted for commission of offence punishable u/s 8 of the Protection of

Children from Sexual Offences Act, 2012 and was sentenced to suffer rigorous imprisonment for three years and to pay a fine of Rs.1,000/- and in default of payment of fine to suffer simple imprisonment for 15 days.

(ii) He was acquitted from the charges of offence punishable u/s 354 of the Indian Penal Code.

(iii) He was directed to pay compensation of Rs.5,000/- to the victim as per section 357(3) of the Code of Criminal Procedure.

2. Heard Ms. Shraddha Chavan, learned counsel for the Applicant, Mr. Jayant J. Satghar, learned counsel for the Respondent No.2 and Mr. S. R. Agarkar, learned APP for the State.

3. Learned counsel for the Applicant submitted that the major sentence imposed on him is three years. Out of which, he has already spent 7 months in custody during trial. For the remaining period during trial he was on bail. Even after his conviction he was granted bail u/s 389 of Cr.P.C. On merits, she

submitted that, the evidence of P.W.1 grandmother of the victim and P.W.3 the victim herself, is not consistent. The Applicant is falsely implicated.

4. Learned counsel for the Respondent No.2 submitted that the sentence of three years is not sufficient. The offence is serious and therefore bail should not be granted to the Applicant.
5. Learned APP opposed this application. But he conceded that the sentence is short.
6. I have considered these submissions. The issues on merits will have to be decided at the final hearing stage. The sentence imposed is short. The Applicant was in custody for 7 months. Therefore, remainder of the sentence is shorter. The Appeal is not likely to be decided within that short period.
7. Considering these factors, the Applicant can be granted bail during pendency of his Appeal.

8. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.722 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.)