

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

**INTERIM APPLICATION NO.4505 OF 2022
IN
CRIMINAL APPEAL NO.1295 OF 2022
WITH
INTERIM APPLICATION NO.4506 OF 2022
IN
CRIMINAL APPEAL NO.1295 OF 2022**

Samshuddin Salauddin Shaikh

.... Applicant

versus

State of Maharashtra & Anr.

.... Respondents

.....

- Mr. D. V. Saroj i/b. Raeesuddin Khan, Advocate for Applicant.
- Smt. M. R. Tidke, APP for State/Respondent No.1.
- Ms. Ruchi Singh, Advocate for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 08th FEBRUARY, 2023

P.C. :

1. This is an application for bail pending final disposal of the Criminal Appeal No.1295 of 2022 preferred by the Applicant. The Applicant was convicted and sentenced by the Special Judge under POCSO, Greater Mumbai, vide his Judgment and Order dated 07/12/2022 passed in POCSO Special Case No.14 of 2017.

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2. The Applicant was convicted for commission of offence punishable u/s 354 of the Indian Penal Code and was sentenced to suffer rigorous imprisonment for one year and to pay a fine of Rs.10,000/- and in default of payment of fine to suffer rigorous imprisonment of two months.
3. Heard Mr. D. V. Saroj, learned counsel for the Applicant, Ms. Ruchi Singh, learned counsel for the Respondent No.2 and Smt. M. R. Tidke, learned APP for the State.
4. Learned counsel for the Applicant submitted that the Applicant was on bail during trial and he has not misused the same. Even after his conviction he was granted bail u/s 389 of Cr.PC. He invited my attention to the evidence of the victim who is examined as P.W.2. After narrating the incident that the offender had touched her cheeks and put his hand on her waist; she did not identify the Appellant before the Court. Learned counsel therefore submitted that there is no evidence against the Appellant.

5. Learned counsel for the Respondent No.2 does not have objection for granting bail to the Applicant.
6. Learned APP accepted that the sentence is short.
7. I have considered these submissions. The Applicant does have good case on merits. The sentence imposed is short. The Appeal is not likely to be decided within that short period.
8. Considering this background, the Applicant can be granted bail during pendency of his Appeal.
9. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.1295 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) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)