

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

**INTERIM APPLICATION NO.1271 OF 2023
IN
CRIMINAL APPEAL NO.401 OF 2023**

Chandrakant Balkrishna KokareApplicant
Versus
The State of Maharashtra
and another Respondents

Mr.Mohit Dalvi, Advocate i/b. Rakesh Bhatkar for the
Applicant.
Smt. Sangita D. Shinde, APP for the Respondent-State.
Ms. Meghna Gowalani, Advocate (appointed) for the
Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 19th AUGUST, 2024

P.C. :

1. This is an Application for bail pending Appeal.
2. The Applicant was the original accused No.2 in Special Case No.4/2022 before the Additional Sessions Judge, Ratnagiri. The learned Judge vide the judgment and order dated 10.3.2023, convicted the Applicant for commission of the offence punishable under Section 17 of the Protection of Children From Sexual Offences Act, 2012

(for short, 'POCSO Act') and under Section 109 of IPC. He was sentenced to suffer SI for three years and to pay fine of Rs.3,000/- and in default to suffer SI for three months.

3. Heard Mr.Mohit Dalvi, learned counsel for the Applicant, Smt. Sangita Shinde, learned APP for the Respondent-State and Ms. Meghna Goyalani, learned appointed counsel for the Respondent No.2.

4. The prosecution case is that there are three victims in this case. All of them were 15 years of age. They were school going girls. Some boys were following them on their motorcycle, before the main incident, which had taken place in February, 2022. On the date of incident, two of those boys came in a rickshaw. One of the boys held hands of one of the victims and tried to pull her in the rickshaw. The people gathered there and taking advantage of this, the two boys went away in that rickshaw. The allegations against the Applicant are that he was the rickshaw driver who had helped the accused to escape from the scene.

5. Learned counsel for the Applicant submitted that the Applicant was not directly responsible in this offence. He is roped in on the basis of suspicion. The sentence imposed on the Applicant is three years and the Appeal is not likely to be decided during that period.

6. Learned APP as well as learned counsel for the Respondent No.2 opposed these submissions. According to them, the Applicant had helped the main accused to escape and, therefore, the offence under Section 17 of POCSO Act and under Section 109 of IPC are proved against them.

7. I have considered these submissions. The merits of the matter will have to be decided at the final hearing stage. Learned counsel for the Applicant submitted that after his conviction, he was granted bail under Section 389 of Cr.P.C. by the learned trial Judge. He was on bail during trial and he has not misused that liberty.

8. Considering this situation and since the Appeal is not likely to be decided within a period of three years, I am

inclined to grant bail to the Applicant on certain conditions.

Hence, the following order:

ORDER

- (i) During pendency and final disposal of Criminal Appeal No.401/2023, the Applicant is directed to be released on bail on his executing PR. 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 is disposed of accordingly.

(SARANG V. KOTWAL, J.)