

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

**INTERIM APPLICATION NO.2111 OF 2024
IN
CRIMINAL APPEAL NO.551 OF 2024**

Digvijay @ Sanket Sanjay Jadhav Applicant

versus

The State of Maharashtra & Anr. Respondents

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- Mr. Sagar Sonawane i/b. Umesh H. Pawar, Advocate for Applicant.
- Mr. Swapnil V. Walve, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 28th JUNE, 2024**

P.C. :

1. The Applicant was the original accused No.1 in Special POCSO Case No.1/2022 at Sessions Court, Sangli. The learned Sessions Judge vide the Judgment and Order dated 26/04/2024 convicted the Applicant for committing the offences punishable u/s 12 of the Protection of Children from Sexual Offences Act, 2012 and also u/s 354-D of the Indian Penal Code. He was sentenced to suffer simple imprisonment for two years and to pay a fine of Rs.10,000/- and in default of payment of fine to suffer simple imprisonment for three months.

There were other accused Nos.2 to 6. The Applicant along with the co-accused were charged for commission of offences punishable u/s 143, 147, 148, 341, 323, 324, 504, 506 of the Indian Penal Code. They were acquitted of those charges.

The Applicant was granted bail u/s 389 of Cr.P.C. after the conviction.

2. Heard Mr. Sagar Sonawane, learned counsel for the Applicant and Mr. Swapnil V. Walve, learned APP for the State.
3. Learned counsel for the Applicant submitted that the Applicant is a young boy. The maximum sentence awarded to him is two years. The Appeal is not likely to be decided during that period. The Applicant was on bail during the trial. He has not misused that liberty.
4. On the previous occasion, notice was issued to the Respondent No.2. The office note shows that she is served.
5. Learned APP submitted that the offence is proved and

if the bail is granted to the Applicant, some conditions be imposed on him.

6. I have considered these submissions. The prosecution case is that the victim was 16 years of age. The Applicant was stalking her. On 02/08/2021, he followed her and told her that she should accept his proposal of love affair. On 05/11/2021, he called the victim telephonically and again threatened her. These are the allegations against him. There are further allegations that while the victim's family was going to the police station, the accused intercepted and threatened them.

7. Since the Appeal is admitted, all these questions about the defence raised, will have to be decided at the final hearing stage. The Appeal is not likely to be decided within the period of two years from today. The Applicant was on bail during trial. There are no further allegations of commission of offence during the period he was on bail. In this view of the matter, the Applicant can be granted bail pending his Appeal. However, some conditions are required to be imposed.

8. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.551 of 2024, 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 the victim or her family in any manner.
- (iii) The Applicant shall report to the concerned police station once a month for a period of one year from today.
- (iv) The application is disposed of.

(SARANG V. KOTWAL, J.)