

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

**INTERIM APPLICATION NO.2310 OF 2023
WITH
CRIMINAL APPEAL NO.1055 OF 2017**

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Akash Pundlik Raut ..Applicant/Appellant
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. A. S. Khandeparkar, Senior Advocate a/w Farhan Shaikh, Vaibhav Kulkarni, Saurabh Mittal, Rohit Mahadik, Prerak Sharma, Apoorva Khandeparkar & Rushikesh Bhagat (Amicus), for the Applicant/Appellant.

Mr. A. R. Patil, APP for the Respondent/State.

Ms. Rui Danawala, for the Respondent No.2.

CORAM : KISHORE C. SANT, J.

DATE : 3rd JANUARY, 2024

PC.

1. Heard learned Senior Counsel Mr. A. S. Khandeparkar, learned APP and learned counsel for the Respondent No.2.

2. This application is filed seeking release of the Applicant/Appellant on bail mainly on the ground that he is in jail since more than six and half years and has suffered more than 50% of the sentence. The maximum sentence awarded is ten years for the offence punishable under Section 376(2)(i) of the Indian Penal Code and Section 4 of the POCSO Act. In view of Section 42 of the POCSO Act, Applicant/Appellant is sentenced only for the offence

under Section 376(2)(i) of the IPC. He places reliance on the judgment reported in **2021 SCC OnLine SC 3259** in the case of ***Saudan Singh – Petitioner Vs. State of Uttar Pradesh - Respondent***, the Hon'ble Court has laid down that where the accused have suffered more than 50% of the sentence, their applications for bail to be considered for grant of bail except in crimes of heinous nature. Learned senior advocate further submits that there are no criminal antecedents against the Applicant/Appellant and he undertakes to abide by the conditions and will not jump the bail conditions.

3. Learned APP submits that if bail is to be granted, conditions be imposed i.e. not to contact victim through any other means or not to disturb her privacy taking into consideration that the victim is still residing in the same vicinity.

4. Learned advocate for Respondent No.2 also submits that this is an offence under the Special Act, where the proper care needs to be taken of the interest of the victim.

5. Considering the above submissions, so also, the judgment in the case of *Saudan Singh (cited supra)* and since the Applicant/Appellant has already suffered more than 50% of the sentence, application needs to be allowed by granting bail. Therefore, following order :-

(i) Application is allowed.

- (ii) Applicant/Appellant be released on bail on furnishing PR bond of Rs.15000/- with one or more sureties in the like amount.
 - (iii) Applicant/Appellant shall keep informed his mobile number and other contact details to the Investigating Officer till disposal of Appeal.
6. The application stands disposed of.

[KISHORE C. SANT, J.]