

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

**CRIMINAL APPEAL NO.862 OF 2024
IN
INTERIM APPLICATION NO.3172 OF 2024
IN
CRIMINAL APPEAL NO.862 OF 2024**

Dilip Ishwar Shirgire

.... Appellant/
Applicant

versus

The State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Sachin Deokar, Advocate for Appellant/Applicant.
- Mr. Shrikant H. Yadav, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 14th AUGUST, 2024**

P.C. :

1. The Registry shall mask the identity of the Respondent No.2 in the memo of the Appeal and the application.
2. The Appellant/Applicant was the accused in Special (POCSO/SCST) Case No.6/2016 before the Additional Sessions Judge, Barshi. The learned Judge vide the Judgment and Order dated 16/07/2024 convicted the Appellant for commission of offences punishable u/s 452, 354(A)(1)(ii) of the Indian Penal

Code and u/s 8 of the Protection of Children from Sexual Offences Act, 2012 and u/s 3(1)(w)(i) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The major sentence imposed on him was 3 years besides imposition of fine.

3. Heard Mr. Sachin Deokar, learned counsel for the Appellant and Mr. Shrikant H. Yadav, learned APP for the State.
4. The allegations are that the victim was 16 years of age. The incident had occurred on 08/10/2016. The Appellant came in her house and held her hand. She ran out of the house. The Appellant looked at her and smiled and then made some gestures with his hands calling her. He sat at a distance and kept looking at her. On these allegations, the FIR is lodged.
5. Learned counsel for the Appellant submitted that after his conviction, the trial Court has granted bail to the Appellant u/s 389 of Cr.P.C. for a limited period. He submitted that the allegations are not true and the offence is not committed by him. The offence does not fall within the definition of any

offences, for which he is convicted. He submitted that no independent witness is examined.

6. Considering the short sentence, today, the interim protection granted by the Trial Court u/s 389 of Cr.P.C. can be extended till the next date.

7. Hence, the following order :

ORDER

- (i) Issue notice to the Respondent No.2 returnable on 04/09/2024.
- (ii) The Investigating Officer shall inform the Respondent No.2 about the next date of listing and shall make a statement to that effect before the Court.
- (iii) The protection granted by the Trial Court to the Appellant u/s 389 of Cr.P.C. is continued till the next date.
- (iv) Stand over to 04/09/2024.

(SARANG V. KOTWAL, J.)