

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

**INTERIM APPLICATION NO. 2153 OF 2024
IN
CRIMINAL APPEAL NO. 383 OF 2020**

Ashraf @ Afsar Mohd. Imajoddin Shaikh ..Applicant.
Versus
The State of Maharashtra & Anr. ..Respondents

Ms. Misbaah Solkar (appeared through V.C.) a/w. Gaurav Shenoy
for Applicant.
Smt. M. R. Tidke, APP for State/Respondent.
Mr. Sushan Mhatre (appointed Advocate) for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.
DATE : 27 JUNE 2024

PC :

1. This is the second time, the applicant has preferred an application for bail during pendency of his Appeal No.383 of 2020. On the previous occasion, his I.A.No.1373 of 2020 was rejected by this Court (Coram: Prakash D. Naik, J.) vide a reasoned order dated 29.09.2021. The applicant was convicted for commission of offence punishable under section 4, 8 and 12 of the Protection of Children from Sexual Offences Act (hereinafter referred to as 'POCSO Act'). The greater sentence imposed on him was for 15

years. The applicant is in custody for more than 5 years, therefore, it is submitted that, this present bail application be considered in his favour.

2. I have perused the earlier order passed in I.A.No.1373 of 2020. I do not see any reason to take a different view at this stage. However, considering that the applicant is in custody for five years, his Appeal can be added to the final hearing board with liberty to the learned counsel for the applicant to mention the matter if it does not reach within a reasonable period.

3. It is also necessary to appoint an advocate for the Respondent No.2 as the appointed advocate has now become a public prosecutor.

4. Hence, the following order:

O R D E R

- i) The application is rejected.
- ii) The Criminal Appeal No.383 of 2020 is directed to be added to the weekly final hearing board commencing from 29.07.2024.

- iii) Learned counsel for the applicant is at liberty to mention the matter for taking up for final hearing if it does not reach within a reasonable period.
- iv) Shri. Sushan Mhatre, learned counsel, who is on the panel of the Legal Services Authority of this Court, is appointed to represent the Respondent No.2 in this case.
- v) The Application is disposed of.

(SARANG V. KOTWAL, J.)