

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 2165 OF 2024**

IN

CRIMINAL APPEAL NO. 572 OF 2024

Mangesh Ramesh Aradad

... Applicant

versus

The State of Maharashtra and Anr.

.... Respondents

Mr. Shriganesh Salba Sawalkar for the Applicant.

Smt. Sangeeta Shinde, APP for the State.

Ms. Lakshmi Raman for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 11th OCTOBER, 2024.

P.C. :

1. Applicant is seeking suspension of sentence and bail in Special Case No. 07 of 2013. The applicant has been convicted by special Court under Section 10 of Prevention of Children from Sexual Offences Act, 2012 (for short "POCSO") and sentenced to suffer rigorous imprisonment for a period of five years and pay a fine of rs. 3,000/-. The applicant is also convicted under Section 354A of Indian Penal Code (for short "IPC") and sentenced to suffer rigorous imprisonment for a period of two years and to pay a fine of Rs.1,000/-. The applicant has been acquitted from the offence under Sections 376, 504, 506 of IPC.

2. It is prosecution's case that on 10th February, 2013 around 2.00

p.m., applicant called the victim in neighbours house, he closed the door and removed the victim's clothes, hugged her and rubbed his hands against her back. It is alleged that he lied on her.

3. It is contention of learned counsel for the applicant that during the trial, applicant was on bail out of five years of total sentence the applicant is behind bar more than 13 months. While on bail during trial, the applicant has not misused his liberty. It may taken time to conclude the trial. Applicant has been acquitted from the charges under Section 376 of IPC and Section 6 of POCSO Act. He is Karta of his family, hence requested to allow the application.

4. It is contention of learned APP alongwith learned counsel for respondent No.2 that the applicant outraged the modesty of minor girl, aged about 10 years by calling her in neighbours house. The incident was narrated by the victim to her mother, the FIR was lodged against the applicant on the same day. The applicant failed to prove his innocence. If applicant released on bail, he may abscond. Hence, requested to reject the application.

5. I have heard all learned counsel. Perused judgment and order passed by the learned special Court and evidence produced on record.

6. The applicant has been convicted for five years rigorous imprisonment out of it, he is behind bar for more than 13 months. During trial, applicant was on bail, he has not misused his liberty. The applicant is

Karta member of his family. At the time of incident, he was 22 years old.

7. It is applicant's case that due to old dispute he has been falsely implicated in this case. It may take time to conclude the trial. Considering these facts, the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of the appeal, on the following terms and conditions:

ORDER

(I) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(II) The applicant shall inform to the Investigating Officer about his change in address or mobile number;

8. The Interim Application is allowed in the aforesaid terms and is accordingly disposed of.

9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)