

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

**INTERIM APPLICATION NO.2231 OF 2024
IN
INTERIM APPLICATION NO.4632 OF 2023
IN
CRIMINAL APPEAL NO.1215 OF 2023**

Atmaram Laxman PachupateApplicant
Versus
State of Maharashtra Respondent

Mr.Vivek Arote, Advocate (appointed) for the Applicant.
Ms. Ranjana D. Humane, APP for the Respondent-State.
Ms. Manisha Devkar, Advocate i/b. Shankar Katkar (appointed)
for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 28th JUNE, 2024

PC. :

1. This is an application sent through jail. Shri Arote, who is on the panel of the Legal Services Authority of this Court is appointed to represent the Applicant/Appellant in this case.

2. The Applicant was convicted by the Extra Joint Addl. Sessions Judge, Karad in Sessions case No.62/2021 vide his judgment and order dated 17.10.2022 under Section 354 of IPC and under Section 7 read with 8 and Section 9(m) read with 10

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of the POCSO Act. The major sentence imposed was RI for 5 years.

3. The Applicant has preferred Criminal Appeal No.1215/2023 which is pending before this Court. He had filed I.A. No.4632/2023 in that appeal for his release on bail. That Application was allowed with certain conditions on 26.3.2024. He was directed to be released on bail on furnishing P.R. bond and one solvent surety in the sum of Rs.15,000/-.

4. Now this application is sent through jail praying for temporary bail on furnishing a personal bond for thirty days. The bail order was passed on 26.3.2024, but, till today the Applicant could not avail of that order because of the extreme poverty and because of the strained relations with his relatives. The Applicant has relied on the order of the Hon'ble Supreme Court in SMWP (Criminal) No.4 of 2021 reported in 2023 SCC OnLine SC 483. In paragraph-10(5) of the said order it is observed that in cases where the undertrial or convict requests that he can furnish bail bond or sureties once released, then in an appropriate case, the Court may consider granting temporary

bail for a specific period to the accused so that he can furnish bail bond or sureties

5. In the present case though the order was passed on 26.3.2024, for about three months the Applicant could not avail of that order. Therefore, his case appears to be genuine. I am inclined to allow the prayer made in this application.

6. Hence, the following order:

ORDER

- (i) The Applicant is directed to be released on bail for a period of thirty days from his actual release on his furnishing personal bond of Rs.15,000/-. Within that period, he will have to furnish the sureties as directed by the order dated 26.3.2024.
- (ii) Rest of the conditions imposed vide order dated 26.3.2024 in I.A. No.4632/2023 in Criminal Appeal No.1215/2023 are retained as they are.
- (iii) Interim Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)