

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

**INTERIM APPLICATION NO. 2357 OF 2024
IN
INTERIM APPLICATION NO. 252 OF 2024
IN
CRIMINAL APPEAL NO. 67 OF 2024**

Sandesh Sudarshan Kamble ..Applicant
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. Ashish Vernekar i/b. M. B. Shirsat for Applicant.
Mr. Arfan Sait, APP for State/Respondent.

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

PC :

1. The applicant was convicted by the Special Judge under POCSO Act, Greater Mumbai, vide the Judgment and order dated 11.09.2023 passed in POCSO Special Case No.448 of 2017, under sections 4,6,8 and 12 of the Protection of Children from Sexual Offences Act (hereinafter referred to as 'POCSO Act'). The maximum sentence imposed on him was R.I. for 10 years. The applicant has preferred his appeal against the Judgment and order dated 11.09.2023 vide the Appeal No.67 of 2024 which is pending

before this Court. The co-ordinate bench of this Court (Coram: Kishore C. Sant, J.) vide the order dated 16.04.2024 in I.A.No.252 of 2024 directed him to be released on bail on his furnishing P. R. bond of Rs.15000/- with one solvent surety in the like amount, subject to payment of the fine amount if not paid in the Trial Court. There were other conditions mentioned in that order.

2. After that order was passed on 16.04.2024, now the present application is sent through jail by the applicant mentioning that, because of his poverty and his estranged relations with the relatives he could not avail of that order. A prayer is made for his release on temporary bail for a period of 30 days on his furnishing P. R. bond. A reliance is placed on the observations of the Hon'ble Supreme Court in SMWP (Criminal) No.4 of 2021 reported in 2023 SCC OnLine SC 483.

3. I have considered this situation. The Hon'ble Supreme Court in the said Judgment, in Clause (5) in paragraph-10 has observed thus:

“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.”

4. Considering this situation and in view of the directions of the Hon'ble Supreme Court, I am inclined to allow this application.

5. Hence, the following order:

O R D E R

- i) The Applicant is directed to be released on temporary bail for a period of 30 days on his executing P. R. bond in the sum of Rs.15000/-.
- ii) This order shall operate for a period of 30 days from his actual release on bail from the prison.
- iii) During the period of 30 days, the applicant shall furnish sureties as directed by the previous order. On his failure to furnish such sureties, he shall surrender before the jail authorities after a period of 30 days from his release.
- iv) The rest of the conditions mentioned in the order dated 16.04.2024 shall remain unchanged.

- v) In addition, the applicant shall report to the Senior Inspector of Police, Worli police station once in a week during that period of 30 days.
- vi) The application is disposed of.

(SARANG V. KOTWAL, J.)