

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

**INTERIM APPLICATION NO.2423 OF 2024
IN
CRIMINAL APPEAL NO.642 OF 2024**

Amol Vishwas BawaskarApplicant
Versus
The State of Maharashtra
and another Respondents

Mr. Vivek Joshi, Advocate a/w. Kaustubh i/b. Vikas Shivarkar for the Applicant.

Mr. Prashant P. Jadhav, APP for the Respondent No.1-State.

Smt.Kalyani Tulankar, Advocate (appointed) for the Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 02nd SEPTEMBER, 2024

P.C. :

1. Heard Mr. Vivek Joshi, learned counsel for the Applicant, Mr. Prashant Jadhav, learned APP for the Respondent No.1-State and Smt.Kalyani Tulankar, learned appointed counsel for the Respondent No.2.

2. The Applicant was the accused in Special POCSO S.C. No.571/2017 before the learned Special Judge under POCSO Act, Pune. The learned Judge, vide judgment and

order dated 8.5.2024, convicted the Applicant for the offence punishable under Section 354 of IPC and under Section 12 of the Protection of Children From Sexual Offences Act, 2012 (for short, 'POCSO Act'). The major sentence imposed on the Applicant was for one year.

3. Learned counsel for the Applicant submitted that during trial the Applicant was on bail and he has not misused that liberty. Even after his conviction, he was granted bail under Section 389 of Cr.PC. The Applicant was around 18 years of age at the time of incident. The allegations against the Applicant are false because there was dispute with the victim's father.

4. Learned counsel for the Respondent No.2 as well as learned APP opposed these submissions. According to them, the victim's evidence is clear in this case. The prosecution has proved its case.

5. I have considered these submissions. The sentence imposed on the Applicant is only for a year. The

Appeal is not likely to be decided during that period. The Applicant was on bail during the trial. He himself was a young boy at that time, as submitted by learned counsel for the Applicant. The Applicant was even granted bail under Section 389 of Cr.P.C. even after his conviction. He has not misused that liberty. Hence, the Applicant can be granted bail during pendency of his Appeal.

6. Hence, the following order :

ORDER

- (i) During pendency and the final disposal of Criminal Appeal No.642/2024, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall not cause any harassment to the victim or her family.
- (iii) The Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)

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by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
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