

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

**INTERIM APPLICATION NO.2513 OF 2024
IN
CRIMINAL APPEAL NO.665 OF 2024**

Mukesh Nagina Chaudhari Applicant

versus

The State of Maharashtra & Anr. Respondents

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- Mr. Anil Y. Bansode a/w Tanoj Joshi, Shivani Gautam, Rahul Kamble, Parth Vyas, Advocate for Applilcant.
- Smt. Sangita D. Shinde, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 11th JULY, 2024**

P.C. :

1. This is an application for bail pending final disposal of the Appeal preferred by the Applicant. The Applicant was convicted and sentenced by the Special Judge under POCSO, vide the Judgment and Order dated 29/04/2024 passed in POCSO Case No.528/2017. The Applicant was convicted for commission of offence punishable u/s 7, 8, 11(i) and 12 of the Protection of Children from Sexual Offences Act, 2012, as well

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as u/s 354 of the Indian Penal Code. The major sentence imposed on him was simple imprisonment for three years.

2. Heard Mr. Anil Y. Bansode, learned counsel for the Applicant and Smt. Sangita D. Shinde, learned APP for the State.
3. The prosecution case is that the incident took place on 02/09/2017. The victim was 10 year old girl. The Applicant called her to his shop and committed this offence by touching her in inappropriate way on her private parts.
4. Learned counsel for the Applicant submitted that the offence is not true. The Applicant is falsely implicated. He further submitted that even after his conviction, the Applicant was granted bail u/s 389 of Cr.PC. upto 28/06/2024.
5. Considering these submissions, it is necessary to hear the Respondent No.2. Till then, the temporary bail granted by the Trial Court u/s 389 can be extended.

6. Hence, the following order :

ORDER

- (i) Issue notice to the Respondent No.2 returnable on 06/08/2024.
- (ii) The Investigating Officer shall inform the Respondent No.2 regarding the next date of listing and shall make a statement to that effect before the Court.
- (iii) The interim bail granted by the Trial Court on 03/06/2024 u/s 389 of Cr.P.C. shall continue till then.
- (iv) Stand over to 06/08/2024.

(SARANG V. KOTWAL, J.)