

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

**INTERIM APPLICATION NO.2901 OF 2024  
IN  
CRIMINAL APPEAL NO.788 OF 2024**

Sachin Rajendra Lokhande .....Applicant

Versus

State of Maharashtra  
and another .... Respondents

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Mr. Anil J. Jadhav, Advocate for the Applicant.

Smt. Sangita D. Shinde, APP for the Respondent-State.

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**CORAM : SARANG V. KOTWAL, J.**

**DATE : 29<sup>th</sup> JULY, 2024**

**P.C. :**

1. This is an application for bail pending Appeal of the present Applicant.

2. Heard Mr. Anil Jadhav, learned counsel for the Applicant and Smt. Sangita Shinde, learned APP for the Respondent-State.

3. The Applicant was the original accused in POCSO Special Case No.245/2017 before the Special Judge under POCSO Act, Greater Bombay. The learned Judge vide the judgment and order dated 29.6.2024 convicted the Applicant

for the offence punishable under Section 363 of IPC and sentenced him to suffer imprisonment for one year and to pay fine of Rs.10,000/- and in default to suffer SI for two months. The Applicant was acquitted from the charges of commission of the offences punishable under Sections 354-A, 354-B, 354-D, 344, 506 Part-II, 387 of IPC and also from the charges of commission of offence punishable under Section 12 of the Protection of Children From Sexual Offences Act, 2012 (for short, 'POCSO Act').

4. Learned counsel for the Applicant submitted that there are observations in the judgment that the victim had willingly accompanied the Applicant. In any case there was a history of making false allegations. As far as the victim is concerned, there was one more case filed by her i.e. POCSO Special Case No.50/2020 on similar allegations and the accused in that case was acquitted.

5. Learned counsel for the Applicant submitted that the sentence imposed on the Applicant is only for one year and the Appeal is not likely to be decided during that period. The

Applicant was on bail during trial and he has not misused that liberty. Even after his conviction, the Applicant was granted bail under Section 389 of Cr.P.C. for a limited period. Considering all these aspects, the Applicant be granted bail during pendency of Appeal.

6. Learned APP submitted that the offence is serious and, therefore, bail should not be granted to him.

7. I have considered these submissions. The prosecution case is that the victim was thirteen years of age. On 21.2.2017, the Applicant called her to meet him on the pretext of taking her out to eat Chinese food. However, the Applicant took her to Ghatkopar Railway Station. They went to Kalyan Railway Station and then the Applicant bought two tickets for Osmanabad. The victim and the Applicant went to Osmanabad. According to her, she was confined in a room there and she was not allowed to talk to anyone. However, the police officers came and rescued her.

8. Learned Judge, in his impugned judgment, has observed that the victim had ample opportunity to raise alarm

and seek help during her travel from Ghatkopar to Osmanabad. The trains were crowded. While buying the tickets, she did not raise any alarm. All these submissions will have to be considered at the final hearing stage. However, there is some force in the submissions of learned counsel of the Applicant. The sentenced imposed is only for one year. The Appeal is not likely to be decided during that period. There are no allegations of misuse of liberty of bail during pendency of the trial. Hence, I am inclined to grant bail to the Applicant during pendency of his Appeal.

9. Hence, the following order :

**ORDER**

- (i) During the pendency and final disposal of the Criminal Appeal No.788/2024, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.20,000/- (Rupees Twenty Thousand Only) with one or two sureties in the like amount.
- (ii) Interim Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**

Deshmane (PS)

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by  
PRADIPKUMAR  
PRAKASHRAO  
DESHMANE  
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