

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

**INTERIM APPLICATION NO.3861 OF 2024
IN
CRIMINAL APPEAL NO.1054 OF 2024**

Suraj Ankush AvghadeApplicant
Versus
State of Maharashtra
and another Respondents

Mr. Vaibhav R. Gaikwad, Advocate for the Applicant.
Mr. S.H. Yadav, APP for the Respondent No.1-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 30th SEPTEMBER, 2024

P.C. :

1. Leave to amend to correct the cause title, to mask the identity of the Respondent No.2 and to add the other victim as party Respondent without disclosing her identity, is granted. Amendment shall be carried out within a period of one week from today.

2. The Applicant was the accused before the Extra Joint District Judge, Vaduj in Special (POCSO) Case No.7/2023. The learned Judge, vide his judgment and order dated 31.7.2024, convicted the Applicant for commission of

the offence punishable under Sections 354, 354-D of IPC as well as under Sections 8 and 12 of the Protection of Children From Sexual Offences Act, 2012 (for short, 'POCSO Act'). He was sentenced to suffer SI for three years and to pay a fine of Rs.2,000/- and in default of payment of fine to suffer SI for one month.

3. Heard Mr. Vaibhav Gaikwad, learned counsel for the Applicant and Mr. S.H. Yadav, learned APP for the Respondent No.1-State.

4. Learned counsel for the Applicant submitted that the Applicant was on bail during trial and even after his conviction he was granted temporary bail by the trial Court. The sentence imposed is short and the Appeal is not likely to be during that period. The allegations are not correct and there are many omissions in the important depositions. The Applicant is falsely implicated because it was suspected that he was having love affair with one of the victims.

5. Considering these submissions, it is necessary to hear the other side. Hence, the following order :

:: O R D E R ::

- i. Issue notice to the Respondent No.2 and the added Respondent No.3 returnable on 16.10.2024.
- ii. Till 16.10.2024, the order granting temporary bail passed by the trial Court shall continue.
- iii. The investigating officer shall inform both the Respondent Nos.2 & 3 about the next date of listing and make a statement to that effect before this Court.
- iv. Stand over to 16.10.2024.

(SARANG V. KOTWAL, J.)

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