

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

**INTERIM APPLICATION NO.2261 OF 2023
IN
CRIMINAL APPEAL NO.708 OF 2023**

Rajendra Dinkar Lohar

.... Applicant

versus

The State of Maharashtra & Ors.

.... Respondents

.....

- Rahi Patil i/b. Samay Pawar, Advocate for Applicant.
- Mr. Pankaj P. Devkar, APP for the State/Respondent.
- Ms. Jahnavi S. Karnik, Advocate for Respondent Nos.2 & 3.

**CORAM : SARANG V. KOTWAL, J.
DATE : 31st JULY, 2025**

P.C. :

1. This is an application for bail pending final disposal of the Appeal preferred by the Applicant. The Applicant has challenged the Judgment Judgment and Order dated 29/04/2023 passed by Extra Joint Additional Sessions Judge, Karad, in Sessions Case No.29 of 2021.

2. The Applicant saw the two victims aged 8 years and 6 years at a secluded place. He uttered objectionable words and

touched them inappropriately attracting provisions of section 354-A of the Indian Penal Code and u/s 12 r/w 11 of the Protection of Children from Sexual Offences Act, 2012. He was convicted under those sections, but he was acquitted from the charges u/s 7, 8 and 9 r/w 10 of POCSO. The major sentence imposed on him was rigorous imprisonment for one year besides imposition of fine.

3. Heard Rahi Patil, learned counsel for the Applicant, Ms. Jahnavi S. Karnik, learned counsel for the Respondent No.2 and Mr. Pankaj P. Devkar, learned APP for the State.
4. Learned counsel for the Applicant submitted that the sentence imposed on the Applicant is short. The Applicant was on bail during trial and he has not misused the same. There is delay of atleast 2 days in lodging the FIR after the incident. The conduct of the victims and the first informant, who is the mother of the victim is unnatural.
5. Learned APP as well as learned counsel for the

Respondent No.2 opposed these submissions. They submitted that the offence is serious. The Applicant has not paid the fine amount.

6. I have considered these submissions. The defence of the Applicant that there was delay in lodging the FIR and the conduct of the first informant and the victims did not show that such offence could not have been committed; will have to be decided at the final hearing stage. The sentence imposed is only for one year. The Appeal is not likely to be decided within that short period. The Applicant was on bail during trial. There are no allegations of misuse of that liberty. Therefore, I am inclined to grant bail to the Applicant.

7. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.708 of 2023, the Applicant is directed to be released on bail on his furnishing P.R. bond in the sum of Rs.25,000/- (Rupees

Twenty Five Thousand only), with one or two sureties in the like amount.

- (ii) It is made clear that the payment of fine is not stayed.
- (iii) The Applicant shall not cause any trouble to the Respondents and their family members.
- (iv) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)