

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

**INTERIM APPLICATION NO.1032 OF 2025
IN
CRIMINAL APPEAL (ST) NO.5578 OF 2025**

Dilip Narayan Thakur

.... Applicant

versus

The State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Ajay Talreja a/w M. S. Talreja, Advocate for Applicant.
- Mr. Vishwajit N. Sagare, APP for the State/Respondent.
- Mr. Nikhil S. Kamble, Advocate for Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.
DATE : 11th AUGUST, 2025**

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 learned Special Judge, Mangaon, Dist-Raigad, vide his Judgment and Order dated 26/11/2024, passed in Special Case No.101/2020, as under:

- (i) The Applicant was convicted for commission of the offence punishable u/s 8 of the Protection of Children from Sexual Offences Act, 2012 and was

sentenced to suffer rigorous imprisonment for three years and to pay a fine of Rs.5,000/- and in default of payment of fine to suffer simple imprisonment one month.

- (ii) He was convicted for commission of the offence punishable u/s 12 of the Protection of Children from Sexual Offences Act, 2012 and was sentenced to suffer rigorous imprisonment for three years and to pay a fine of Rs.5,000/- and in default of payment of fine to suffer simple imprisonment one month.
- (iii) He was convicted for commission of the offence punishable 3(1)(w)(i) & (ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and was sentenced to suffer rigorous imprisonment for three years and to pay a fine of Rs.5,000/- and in default of payment of fine to suffer simple imprisonment for one month.
- (iv) He was convicted for commission of the offence punishable u/s 354-A(1)(i) of the Indian Penal Code and was sentenced to suffer rigorous imprisonment for three years and to pay a fine of Rs.5,000/- and in default of payment of fine to suffer simple imprisonment for one month.

- (v) He was convicted for commission of the offence punishable u/s 354-D(1)(i) of the Indian Penal Code and was sentenced to suffer rigorous imprisonment for two years and to pay a fine of Rs.5,000/- and in default of payment of fine to suffer simple imprisonment for one month.
- (vi) All the substantive sentences were directed to run concurrently.

2. Heard Mr. Ajay Talreja, learned counsel for the Applicant, Mr. Nikhil S. Kamble, learned counsel for the Respondent No.2 and Mr. Vishwajit N. Sagare, learned APP for the State.

3. Learned counsel for the Applicant submitted that the alleged offence against him will not fall within the definition of any of the offences for which he was convicted. There was no sexual intent at all. The Applicant was on bail during trial. He is a 75 years old person. He has not misused his liberty. The Appeal is not likely to be decided within three years. Therefore, on these count, he deserves to be released on bail.

4. Learned APP as well as learned counsel for the Respondent No.2 submitted that the allegations against him clearly show that the intention was bad and the ingredients of all these sections are clearly satisfied.

5. I have considered these submissions and I have perused the evidence of the victim. She was examined as P.W.1. Her date of birth is 02/04/2001. The incident is dated 12/02/2019. She was residing in a hut with her parents. They had gone to attend their work. She was alone in the hut. The Applicant came there. He rolled his hand on her cheek and asked for her photograph. He again repeated this act. He had done this act one week earlier too. These are her allegations.

6. Considering the submissions made by the learned counsel for the Applicant, these submissions will have to be decided at the final hearing stage. The Appeal is already admitted. The Applicant was on bail during the Trial. There are no allegations that he had misused that liberty. The maximum

sentence is for three years. The Applicant is in custody since November 2024. About 9 months have passed. The Appeal is not likely to be decided within the period of his balance sentence. On these grounds, the Applicant deserves to be released on bail.

7. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal (ST) No.5578 of 2025, 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) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)