

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

**CRIMINAL APPLICATION NO.590 OF 2017
IN
CRIMINAL APPEAL NO.353 OF 2017**

Balaji Vilas Shinde	...Appellant
Versus	
State of Maharashtra	...Respondent

.....

Mr. Nilesh Kadam for the Appellant
Mr. Prashant Jadhav, APP for the Respondent.

CORAM :SMT. ANUJA PRABHUDESSAI, J.

DATED: 11th AUGUST, 2017.

P.C.:-

The Applicant herein, who is an accused in Special (Child) Sessions Case No.262 of 2015 has prayed for suspension of execution of substantive sentence pending disposal of the Appeal.

2. The Applicant has been held guilty of offences punishable under sections 451 and 354 of the Indian Penal Code and under Section 7 r/w. 8 of the Protection of Children from Sexual Offences Act, 2012 (in short, 'the POCSO' Act). The Applicant has been sentenced to undergo maximum imprisonment of three years for offences punishable under Section 354 of the IPC and Section 8 of the

POCSO Act. In addition, the Applicant is sentenced to suffer imprisonment of two years for offence punishable under section 451 of the IPC and to pay total fine amount of Rs.8,000/- in respect of all these three offences. The substantive sentences awarded are to run concurrently.

3. The learned counsel for the Applicant submits that the Applicant has already deposited the fine amount before the Special Court (POCSO), Pune. As stated earlier, the Applicant has been sentenced to undergo imprisonment for a maximum period of three years. The Appeal is of the year 2017. Considering the large pendency of the cases, the Appeal is not likely to come up for final hearing in the next couple of years. Hence, rejection of prayer to suspend the execution of substantive sentences will result the Applicant undergoing the imprisonment even before his Appeal is decided on merits. The Applicant was on bail during trial. There are no allegations of the accused having violated the terms and conditions of the bail. Considering the above facts and circumstances, following order is passed :-

ORDER

- (i) The Application is allowed.

- (ii) The execution of substantive sentences in Special (Child) Sessions Case No.262 of 2015 is suspended till the disposal of the appeal on merits. The Applicant is ordered to be released on bail on furnishing bail bond of Rs.15,000/- (Rupees Fifteen Thousand) with one or two sureties to the like amount to the satisfaction of the Special Judge and District Judge-1, Pune.
- (iii) The Applicant shall furnish his permanent as well as local address, if any, and shall intimate change of address, if any, to the Investigating Officer, as well as to the concerned Court.
- (iv) The Applicant shall not interfere with the victim in any manner.

(ANUJA PRABHUDESSAI, J.)