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

CRIMINAL APPLICATION NO. 772 OF 2017
WITH
CRIMINAL APPLICATION NO. 773 OF 2017
IN
CRIMINAL APPEAL NO. 476 OF 2017

Pradeep Ravindranath Das

.. Applicant

v/s.

The State of Maharashtra & Anr.

..Respondents

Ms. Prachita Vare i/b. Prakash Vare for the Applicant.

Mr. Shahajirao Shinde APP for the Respondent.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 22nd AUGUST, 2017.**

P.C.

1. The applicant herein is an accused in POCSO Special Case No.1126 of 2013 on the file of the Addl.Special Judge, POCSO, Gr. Mumbai. By these applications, the applicant has sought suspension of sentence imposed vide judgment dated 16th March, 2017 in the said special case and has prayed for release on bail.

2. Heard the learned Counsel for the applicant and the learned APP for the State. Perused the record and considered the submissions advanced by the learned Counsel for the respective parties.

3. The applicant herein has been held guilty of offence under Section 8 of Protection of Children from Sexual Offence Act, 2012 and sentenced to undergo Rigorous Imprisonment for Three (3) years and to pay fine of Rs.1000/-, in default to undergo Simple Imprisonment for 30 days. The applicant was also directed to pay compensation of Rs.15,000/- to the victim girl.

4. The learned Counsel for the Applicant has submitted that the applicant has already deposited the fine amount and has paid compensation of Rs.15,000/- to the victim girl.

5. The records reveal that the applicant has been sentenced to undergo short term imprisonment of three years. The appeal is of the year 2017 and is not likely to come up for final hearing in the next couple of years due to large pendency of old cases. Hence, rejection of the application will result in the applicant undergoing the sentence of imprisonment even before the appeal is heard on merits.

6. The applicant was on bail during pendency of the trial. There is no material to show that the applicant has violated the terms and conditions of the order.

7. Considering the above facts, as well as the nature of the charge and the evidence thereof, in my considered view, this is a fit case to suspend the execution of sentence pending the disposal of the appeal on merits. Hence the order.

i) The applications are allowed. The execution of sentence in POCSO Special Case No. 1126 of 2013, imposed by judgment dated 16th March, 2017 is suspended till disposal of the appeal on merits, on the applicant furnishing fresh bail bond in the sum of Rs.20,000/- (Rupees Twenty Thousand Only) with one solvent surety in the like amount to the satisfaction of the learned Addl. Sessions Judge, POCSO, Gr. Mumbai.

8. The applicant shall furnish his local as well as permanent address, if any, and his contact number, if any, to the Investigating

Officer as well as in the fresh bail bonds.

(ANUJA PRABHUDESSAI, J.)