

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

**CRIMINAL APPLICATION NO. 1244 OF 2017
IN
CRIMINAL APPEAL NO. 692 OF 2017**

Govind Balu GhatageApplicant

Versus

The State of MaharashtraRespondent

Mr. Jayant J. Bardeskar for the applicant.

Mr. H.J. Dedhia, APP for the State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 06th NOVEMBER, 2017

P.C. :

1. The applicant herein who was an accused in Special Case No.27 of 2014 on the file of Special Judge, Kolhapur has sought suspension of execution of sentence imposed vide judgment dated 30th June, 2017 in the said case and has prayed for release on bail pending hearing of the appeal.

2. Heard Mr. Jayant Bardeskar, learned counsel for the applicant and Mr. H.J. Dedhia, learned APP for the State.

3. By judgment dated 30th June, 2017, the applicant herein has been held guilty of offence punishable under Section 10 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 and has been sentenced to undergo imprisonment for five years and to pay

fine of Rs.10,000/- in default to suffer simple imprisonment for six months.

4. The allegations against the applicant is that on 18th March, 2014, the applicant sexually abused two minor girls who are residing in his neighbourhood. Mr. Jayant Bardeskar, learned counsel for the applicant has submitted that the applicant suffers from severe illnesses. He further undertakes that the applicant shall not reside in Shivajinagar and will not visit Kaneriwadi at Taluka Karveer, District Kolhapur and that he will not interfere with the victims in any manner. He has further submitted that the applicant had already deposited fine amount before the Sessions Court. +

5. The medical report which is placed on record by the learned APP for the State indicates that the applicant herein is 77 years of age. He is suffering from senile debility with some psychiatric elements.

6. Considering the age as well as the medical condition of the applicant and in view of the undertaking given on behalf of the applicant, in my considered view, this is a fit case for grant of bail pending hearing of the appeal. Hence, the order :-

(i) Criminal Application No.1244 of 2017 is allowed.

(ii) The execution of sentence imposed in Special Case No.27 of 2014 vide judgment dated 30th June, 2017 is suspended till the

disposal of appeal on merits. The applicant is ordered to be released on bail on furnishing fresh bail bonds of Rs.20,000/- (Rupees Twenty Thousand) with one or two sureties in the like amount, to the satisfaction of Special Court (POCSO), Kolhapur.

(iii) The applicant shall not reside in Shivajinagar and will not visit Kaneriwadi at Taluka Karveer, District Kolhapur till the disposal of appeal on merits.

(iv) The applicant will not interfere with the victim girls in any manner.

(v) The applicant shall furnish his permanent, the address where he proposes to reside and his contact number and shall intimate change of address and contact number to the Investigating Officer as well as to the concerned court.

(SMT. ANUJA PRABHUDESSAI, J.)