

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1357 OF 2016

IN

CRIMINAL APPEAL NO.713 OF 2016

SACHIN ANAND TODKAR AND ORS.)...APPLICANTS

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.A.S.Desai, Advocate for the Applicants.

Mr.S.V.Gavand, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 18th JANUARY 2017.

P.C. :

1 This is an application for suspension of sentence and releasing applicants / accused on bail during pendency of the appeal. Applicants are original accused nos.1, 2, 3, 4, 6 and 7 respectively before the learned trial court. The applicant / accused no.2 Vishal Todkar is convicted of the offence punishable under Section 12 of the Protection of Children from Sexual

Offences Act (POCSO Act) and is sentenced to suffer rigorous imprisonment for 1 year apart from payment of fine of Rs.1,000/-, He is also convicted under Section 354(d) of the IPC. For this offence, he is sentenced to suffer rigorous imprisonment for 1 year apart from payment of fine of Rs.1,000/-. Rest of the applicants / accused are convicted of the offence punishable under Section 452 read with Section 149 of IPC and they are sentenced to suffer rigorous imprisonment for 1 year and to pay a fine of Rs.1,000/-. In default, the accused persons are also directed to undergo rigorous imprisonment for one month.

2 Heard the learned counsel appearing for applicants / accused as well as the learned APP appearing for the State. It is the case of prosecution that the applicant / accused no.2 Vishal Todkar was stalking the victim of the crime and rest of the accused persons had committed house trespass by entering into the house of the victim by making preparations for causing her hurt after forming an unlawful assembly with common object.

3 Short sentence is imposed on applicants / accused. So far as the applicant / accused no.2 is concerned, the allegations are to the effect that he used to attempt to talk with the victim in order to foster personal interaction with her and he used to follow her.

4 Considering the nature of offence and the fact that disposal of the appeal will take its own time, as well as the fact that the substantive sentence of imprisonment imposed on applicants is already suspended by the trial court, the application deserves to be allowed. Therefore the order :

- i) The application is allowed.
- ii) Substantive sentence of imprisonment imposed upon applicants / accused is suspended and they are directed to be released on bail on executing P.R.Bond in the sum of Rs.15,000/- each and on furnishing surety in like amount.

(A. M. BADAR, J.)