

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

CRIMINAL APPLICATION NO. 1629 OF 2017
IN
CRIMINAL APPEAL NO. 997 OF 2017

Rajendra Pralhat Jagtap ..Applicant

v/s.

The State of Maharashtra ..Respondent

Mr. Niranjan Mundargi for the Applicant.
Mr. V.V.Gangurde, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : DECEMBER 05, 2017.**

P.C.

1. The applicant herein was an accused in Sessions Case No. 62 of 2015. He has been held guilty of the offence under Section 354 of the Indian Penal Code and under Section 8 of Prevention of Children from Sexual Offence Act (POCSO). The applicant has been sentenced to suffer rigorous imprisonment for three years with fine of Rs.1000/- in default simple imprisonment for one month for the offence under Section 8 of the POCSO Act. By this application, the applicant has sought suspension of execution of sentence.

2. Heard learned Counsel Shri Mundargi for the applicant and the

learned APP for the State. Perused the records.

3. The applicant has been sentenced to undergo short term imprisonment for 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 application will result in the applicant undergoing the sentence of imprisonment even before the appeal is heard on merits. It is not in dispute that the applicant has not violated the terms of bail bond during the period when he was released on bail.

4. Considering the above factors, and also considering the nature of the allegations and the evidence in support thereof, in my considered view, this is a fit case for suspending the execution of sentence pending the final hearing of the appeal. Hence, the order:

(i) The application is allowed.

(ii) The execution of sentence imposed by the learned Addl. Sessions Judge, Pune in Special Sessions Case No. 62 of 2015 is suspended till the final disposal of the appeal on merits, subject to the applicant furnishing fresh bail bond in the sum of Rs.25,000/- (Rupees Twenty-five Thousand Only) with one or two solvent sureties in the like amount to the satisfaction of the learned Addl. Sessions Judge, Pune.

(iii) The applicant shall furnish his contact number and his permanent as well as local address, if any, to the Investigating Officer as well as in the fresh bail bonds.

(iv) The applicant shall not interfere with the victim girl in any manner.

(ANUJA PRABHUDESSAI, J.)