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

**CRIMINAL APPLICATION NO. 575 OF 2017
IN
CRIMINAL APPEAL NO. 29 OF 2018**

Vithal Gangaram Shelke

..Applicant

Vs

The State of Maharashtra & Anr

..Respondents

Mr. Iqbal Abdulla and Mr. Salim Shaikh for applicant.

Mr. V.V. Gangurde, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 27th FEBRUARY 2018.

P.C.:

1] This is an application for suspension of sentence and releasing the applicant on bail.

2] By the Judgment and Order dated 31st January 2017 passed by the Special Judge (POCSO) Pune in Special (POCSO) Case No.297 of 2015, the applicant is convicted under Section 376(2)(n) of the Indian Penal Code and under Section 5(k) read with 6 of the Protection of Children From Sexcul Offences Act (POCSO Act) and sentenced to suffer R.I. for ten years and to pay a total fine of Rs.25,000/- and in default of payment of fine to suffer further R.I for one year.

3] Perused the record.

The testimony of the victim Ms. Manjula Rathod, prima facie indicates that there was an affair between the applicant and victim girl and she at her own free-will had left her parent's house and had joined the company of the applicant. It is the prosecution case that, the applicant by giving promise to marry, established physical relations with the victim girl. It appears from the record that, after the victim girl eloped with the applicant for a period of about one month, she was in the company of the applicant and had visited various places.

4] It is submitted that, the fine amount has already been paid by the applicant. It is further submitted that, the applicant has undergone about one-and-half years of actual imprisonment till today.

4] In view of the above, during the pendency of the present appeal, the applicant can be released on bail.

Hence, the following Order:

(i) The applicant be released on bail on his furnishing PR bond in the sum of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from jail, the applicant shall attend the Trial

Court on every 1st Monday of the month between 11.00 a.m to 2.00 p.m and mark his presence. If 1st Monday of the month is a holiday, the applicant shall mark his presence in the Trial Court on the immediate next day.

(iii) Applicant shall not tamper with evidence and/or influence the witnesses.

5] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)