

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL APPLICATION NO.1460 OF 2018**  
**IN**  
**CRIMINAL APPEAL NO.1067 of 2018**

|                          |                |
|--------------------------|----------------|
| Krushna Rajesh Bhagat    | .. Applicant   |
| Versus                   |                |
| The State of Maharashtra | .. Respondents |

...

Mr. C.R.Mishra I/b Mr.Pradeep Dubey for the applicant.  
Mr.K.V.Saste, APP for the State.  
Mr.Sagar Takale, PSI from Colaba Police Station present.

**CORAM: SMT. BHARATI H.DANGRE, J.**

**DATED : 10<sup>th</sup> SEPTEMBER, 2018**

**P.C:-**

1           Appeal is already admitted on 5<sup>th</sup> September 2018.  
Criminal Application No.1460 of 2018 is taken up for hearing.  
Learned counsel for the applicant submits that the Appeal has  
been admitted and by the impugned judgment passed by the  
Sessions Court on 14<sup>th</sup> June 2018, the appellant has been  
convicted for the offence punishable under Section 12(B) of the

Protection of Children from Sexual Offences Act (for short 'POCSO') and was sentenced to suffer Rigorous Imprisonment for six months and to pay a fine of Rs.1,000/- and in default to undergo Simple Imprisonment of one month. He was also directed to pay compensation of Rs.15,000/- to the victim and in default to undergo Simple Imprisonment for six months.

2            Learned counsel for the applicant would submit that since the Appeal is admitted and he has complied with the order of payment of fine, he would submit that the applicant was on bail throughout the trial and he has never misused his liberty. On the last occasion, the learned APP was directed to seek instructions about the said statement being made. Today, the learned APP Ms.Shinde makes a categorical statement that the applicant was on bail and there are no instances reported in respect of he misusing his liberty. In such circumstances, in view of the admission of the appeal and the fact that the final hearing of the Appeal would consume some considerable time, I am inclined to pass the following order :

O R D E R

- (i) Application No.1460 of 2018 is allowed in terms of prayer clause (ii).
- (ii) The sentence and the order of conviction dated 14<sup>th</sup> June 2018 passed by the Special Court under the POCSO Act is suspended.
- (iii) The applicant is directed to be released on bail on executing a personal bond of Rs.15,000/- and on furnishing one surety of the like amount.
- (iv) The applicant should keep the concerned police station updated of his residential address.

**SMT. BHARATI H. DANGRE, J.**

Manali  
Prasanna  
Tilak

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Prasanna Tilak  
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