

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

CRIMINAL APPEAL NO.718 OF 2019

Shri. Rajendra @ Nana Sahadev Divekar Appellant

Vs.

The State of Maharashtra Respondent

Mr. Tejesh Dande i/by Tejesh Dande & Associates for the appellant
Mr. S.S. Pednekar, APP for State.

**Coram : Smt. Sadhana S. Jadhav, J.
Date : 11th June 2019**

P.C.:

1 Heard.

2 Admit.

(Smt. Sadhana S. Jadhav, J)

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

**CRIMINAL APPLICATION NO.776 OF 2019
IN
CRIMINAL APPEAL NO.718 OF 2019**

Shri. Rajendra @ Nana Sahadev Divekar Applicant

Vs.

The State of Maharashtra Respondent

Mr. Tejesh Dande i/by Tejesh Dande & Associates for the applicant.
Mr. S.S. Pednekar, APP for State.

**Coram : Smt. Sadhana S. Jadhav, J.
Date : 11th June 2019**

P.C.:

- 1 Heard the respective counsel.
- 2 This is an application under Section 389 Code of Criminal Procedure. The applicant herein is convicted by the Special Court, Mangaon, District Raigad, in Special (POCSO) Case No. 18 of 2015, for the offences punishable under Sections 354(A) (1)(i) of Indian Penal Code and under Section 7 read with 8 of the Protection of Children from Sexual Offences Act, 2012 vide judgment and order dated 24th April 2019. The applicant herein has been sentenced to suffer rigorous

imprisonment for three years, fine of Rs.5,000/-, in default rigorous imprisonment for six months for the offence under Section 7 read with 8 of the Protection of Children from Sexual Offences Act, 2012. As the accused is sentenced for the above-said offence, no separate sentence is awarded under Section 354(A) (1)(i) of Indian Penal Code.

3 Learned counsel for the applicant submits that the applicant was on bail during the pendency of the trial and has not committed breach of any conditions imposed upon him. It is also submitted that the applicant has been sentenced to a short term sentence and that there is no possibility of the appeal being finally heard in the near future.

4 In view of above, the applicant deserves extension of the same relief during the pendency of the appeal. However, it is made clear that the suspension of substantive sentence shall not be construed as suspension of conviction. Hence, the following order.

ORDER

- i) The application is allowed and disposed of.
- ii) The substantive sentence imposed upon the applicant vide judgment and order dated 24th April 2019 is hereby suspended.

- iii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.

- iv) The applicant shall report to the Special Court, Mangaon, District Raigad once in six months on the date assigned by the Special Judge.

- v) Upon failure to attend any two consecutive dates, the Special Court shall report the same to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

(Smt. Sadhana S. Jadhav, J)