

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

**CRIMINAL APPLICATION NO.800 OF 2019
IN
CRIMINAL APPEAL NO.740 OF 2019**

Ketan Amrutlal Thacker Applicant
Vs.
The State of Maharashtra & Anr. Respondents

Mr. Rohan Hogle I/by Mr. Anshul A. Saontakke for the Applicant
Ms. Pallavi Dabholkar, 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 Additional Sessions Judge, Pune, in Special (POCSO) Sessions Case No.15 of 2017, vide judgment and order dated 16th April 2019, for the offences under Sections 11(iv) punishable under Section 12 of Protection of Children from Sexual Offences Act, 2012 with Sections 354(D) (1)(i) of Indian Penal Code. The applicant is sentenced to suffer simple imprisonment for six months and fine of Rs.5,000/-, in default to suffer simple imprisonment for 15 days.

3 Learned counsel for the applicant further submits that the sentence imposed upon the applicant is a short term sentence. Learned counsel further submits that the amount of fine is paid. The applicant was on bail during pendency of the trial and has not committed breach of any conditions imposed upon him. In view of this, the applicant deserves extension of same relief during the pendency of appeal. 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 16th April 2019 is hereby suspended.
- iii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.35,000/- with one or more solvent sureties in the like amount.
- iv) The applicant shall report to the Court of Special Judge (POCSO) 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)