

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1141 OF 2019
IN
CRIMINAL APPEAL NO. 1491 OF 2018

Rajesh Shyamlal Ral ... Applicant

V/s.

The State of Maharashtra ... Respondent

Kalpesh U. Patil-Advocate for the Applicant.

Ms. P. N. Dabholkar-APP for the State/Respondent.

CORAM : DAMA SESHADRI NAIDU, J

DATED : 19th AUGUST, 2019.

P.C. :

1. The applicant has been charged with the offences under Section 354-A and 452 of Indian Penal Code, beside Section 10 and 12 of Protection of Children from Sexual Offences Act. On trial, in case No. 15/2016, the learned Special Judge under the POCSO Act, Khed-Rajgurunagar, Pune, convicted the applicant and sentenced him to, among other things, 5 years' rigorous imprisonment.
2. Heard the learned Counsel for the applicant and the learned Additional Public Prosecutor, besides perusing the record.
3. As record reveals that the applicant was arrested on 01/01/2016; during the trial he remained in judicial custody. The judgment was pronounced on 07/02/2017. The applicant still continues to serve the sentence. By now, he has completed three

years eight months out of five years sentence. This Court is unlikely to take the appeal immediately. This is the fit case for the Court to suspend the sentence and enlarge the applicant on bail. I do so, subject to this conditions:-

ORDER

- (i) The application is allowed.
- (ii) Substantive sentence imposed on the applicant is suspended, and he is directed to be released on bail on his executing P.R. Bond for Rs.30,000/- and on his furnishing two sureties in the like amount.
- (iii) The applicant should not contact the first informant or victim, or any other witness, or any other member of the victim's family in any manner, pending this appeal.
- (iv) The applicant's failure to abide by these conditions will entail the prosecution to apply for cancellation of bail now granted to the applicant.

(DAMA SESHADRI NAIDU, J)