

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

**CRIMINAL APPLICATION NO.1479 OF 2019
WITH
CRIMINAL APPLICATION NO. 1480 OF 2019
IN
CRIMINAL APPEAL NO. 1190 OF 2019**

Suryakant Lakshman Mokhal ... Applicant

V/s.

The State of Maharashtra and Anr. ... Respondents

Mr. Balasaheb Ganpat Yewale with Mr. Anand Waradhkar for
Applicant.

Mr. S.R. Agarkar-APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J

DATED : 5th SEPTEMBER, 2019.

P.C. :

1. Heard.
2. This is an applications filed under Section 389 of Cr.P.C. The applicant herein is seeking suspension of substantive sentence imposed upon the applicant by the Special Judge, (POCSO), Greater Mumbai in Special(POCSO) Case No. 301 of 2014, vide judgment and order dated 31st July 2019, thereby convicting the applicant for the offences punishable under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer R.I. for three years and to pay a fine of Rs. 5000/-, in default, to suffer

further S.I. for three month.

3. The sentence imposed upon the applicant is short term sentence. The applicant was on bail during the pendency of the trial and has not committed breach of any conditions imposed upon him. The learned counsel vehemently submits that the applicant is about 60 years old. The incident is dated 2014, however, till today there has been no untoward incident, although he was on bail and therefore the applicant is entitled to the extension of the same relief during the pendency of the appeal.

4. Taking into consideration the evidence of the victim and the inconsistency in evidence of the witnesses, the applicant deserves to be enlarged on bail during the pendency of the appeal. Hence, the following order:-

ORDER

- i) The Criminal Applications are allowed.
- ii) The substantive sentence imposed upon the applicant vide judgment and order dated 31st July 2019 by the Special Judge (POCSO), Greater Mumbai is hereby suspended.
- iii) The applicant be enlarged on bail on furnishing P.R. bonds in the sum of Rs.20,000/- (Rupees Twenty Thousand Only) and one or more sureties in the like amount.
- iv) The applicant shall cause his presence before the learned Special Judge (POCSO), Greater Mumbai once in

six months on the date assigned by the learned Special Judge (POCSO), Greater Mumbai.

vi) Upon failure to attend any two consecutive dates, the the learned Special Judge (POCSO), Greater Mumbai shall make report to the High Court and the prosecution would be at liberty to seek cancellation of bail.

vii) The applications stand disposed of.

5. Parties to act on an authenticated copy of this order.

(SMT. SADHANA S. JADHAV, J)