

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 916 OF 2020

IN

CRIMINAL APPEAL NO. 290 OF 2020

Amol Bajirao Desai

... Applicant/Appellant

V/s.

The State of Maharashtra

... Respondent

Mr. Rahul Kate for Applicant/Appellant.

Mr. Amit Palkar, A.P.P for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 14th October 2020.

PC. :

This is an application for suspension of sentence and releasing the applicant on bail.

2. Heard Mr.Kate, learned counsel for the applicant and Mr.Palkar, learned A.P.P for the respondent-State.

3. The applicant has been convicted under Section 354-A and 354-B of the Indian Penal Code and is sentenced to suffer maximum rigorous imprisonment for 3 years and to pay a total fine of Rs.1,000/- by the learned Special Judge for POCSO Act and Additional Sessions Judge-1, Islampur in Special Case Child Prot. No. 36 of 2018 by its Judgment and Order dated 5th February 2020.

4. Mr.Kate, learned counsel for the applicant submitted that, the applicant has already deposited fine amount in the Registry of the Trial Court on 5th February 2020. He further on instructions submitted that, there are no antecedents at the discredit of the applicant.

5. After taking into consideration the allegations made against the applicant by the prosecutrix and the fact that, the sentence imposed upon the applicant is a short term sentence, I am inclined to suspend the substantive sentence imposed upon the applicant and release him on bail.

6. Hence, the following Order :-

- (i) During the pendency of the present Appeal, the substantive sentence imposed upon the applicant is suspended.
- (ii) The Applicant be released on bail in S Special Case Child Prot. No. 36 of 2018 on his furnishing P.R. bond of Rs.10,000/- with one or two local sureties in the like amount.
- (iii) After his release from Jail and during the pendency of the present Appeal, the applicant shall attend Islampur Police Station, District Sangli on every first Monday of every 3rd Month between 10:00 am and 12:00 noon and mark his presency. The applicant thus shall attend Islampur Police Station 4 times in a year during the pendency of the present Appeal.
- (iv) In the event, applicant commits two consecutive defaults in complying with condition No.(iii) above, the prosecution

will be at liberty to file an application for cancellation of bail.

- (v) During the pendency of the present Appeal, the applicant shall not contact the prosecutrix or her relatives.
- (vi) Applicant shall not tamper with the evidence and/or interfere with the process of investigation.

7. Application is allowed in the aforesaid terms.

8. This Order will be digitally signed by the Personal Assistant of this Court. All the concerned will act on production by fax or e-mail of a digitally signed copy of this Order.

[A.S. GADKARI, J.]