

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 764 OF 2020****IN****CRIMINAL APPEAL NO. 249 OF 2020**

Narayan Sitaram Paste

... Applicant/Appellant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Mahesh Vishwakarma i/b. Mr.Rajesh Jadhav for Applicant/Appellant.
Mr.S.S. Hulke, A.P.P. for Respondent No.1-State.

CORAM : A.S. GADKARI, J.**DATE : 9th October 2020.****PC. :**

Heard Mr.Vishwakarma, learned counsel for the applicant and
Mr.Hulke, learned A.P.P. for the respondent No.1-State.

2. This is an application for suspension of sentence and releasing the applicant on bail. The applicant has been convicted under Section 8 of the Protection of Children from Sexual Offences Act (for short, "POCSO Act") and is sentenced to suffer rigorous imprisonment for five years and to pay a total fine of Rs.6,000/- by the learned Additional Sessions Judge, Pune in Special POCSO Case No.502 of 2016 by its Judgment and Order dated 21st January 2020.

3. The victim girl was aged about 7 years on the date of incident. The alleged act committed by the applicant is briefly narrated in para No.3 of the impugned Judgment and Order. The record indicates that, the applicant was arrested on 17th August 2016 and released on bail by the Special Court on 21st September 2016. After pronouncement of the impugned Judgment and Order on 21st January 2020, the applicant has been taken into custody for undergoing the sentence.

4. After taking into consideration the allegation made against the applicant, as has been briefly stated in the para No.3 of the impugned Judgment, and the fact that, the maximum sentence imposed upon the applicant is 5 years of rigorous imprisonment and the possibility of hearing the present Appeal on its own merits in near future is remote, this Court is of the view that, the substantive sentence imposed upon the applicant can be suspended and the applicant can be released on bail on certain conditions.

5. 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 Special POCSO Case No.502 of 2016 on his furnishing PR. bond of Rs.15,000/- with one or two local sureties in the like amount.
- (iii) Before his actual release from Jail, the applicant shall deposit entire fine amount in the Registry of the Trial Court.

- (iv) After his release from Jail and during the pendency of the present Appeal, the applicant shall attend Wanwadi Police Station, Pune on every first Monday of the month between 10:00 am and 12:00 noon initially for a period of one year.

After end of one year, the applicant shall attend Wanwadi Police Station on every first Monday of the every 3rd Month between 10:00 am and 12:00 noon. The applicant thus shall attend Wanwadi Police Station 4 times in a year during the pendency of the present Appeal.

- (v) If the applicant commits three consecutive defaults in complying with condition No.(iv) above, in that event, the prosecution will be at liberty to file an application for cancellation of bail.
- (vi) During the pendency of the present Appeal, the applicant shall not contact the prosecutrix or her relatives.
- (vii) Applicant shall not tamper with the evidence and/or interfere with the process of investigation.

6. Application is allowed in the aforesaid terms.

7. 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.]

Omkar S.
Kumbhakarn
Digitally signed
by Omkar S.
Kumbhakarn
Date:
2020.10.09
16:09:21 +0530