

NSC.

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

***CRIMINAL INTERIM APPLICATION NO.1 OF 2020
IN
CRIMINAL APPEAL NO.355 OF 2020***

Lalasaheb Ladlesahab Shivnagi	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Kuldeep Nikam, for the Applicant

Ms. M. H. Mhatre, A.P.P. for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 26th JUNE, 2020

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant, aged 71 years seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of his appeal.
3. Perused the papers. The applicant aged 71 years has been convicted by the learned Additional Sessions Judge, Pune, vide Judgment and Order dated 31st December, 2019, passed in Special Case (POCSO) No.

430 of 2017, for the offences punishable under Sections 11 and 12 of the Protection of Children from Sexual Offences Act r/w Section 354A(1)(i) of the Indian Penal Code. The maximum sentence imposed by the trial Court is under Section 354A(1)(i) of the Indian Penal Code i.e. for one year with fine. It is not in dispute that the applicant was on bail, pending the trial and has completed almost four months of his sentence. The sentence awarded is a short term sentence. The Appeal has been admitted by a separate order passed today and the same is not likely to come up for the hearing in the immediate near future.

4. Considering the aforesaid, the application is allowed and the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his Appeal, on the following terms and conditions :-

ORDER

- i) The Applicant be released on cash bail in the sum of Rs.15,000/-, for a period of eight weeks;
- ii) The Applicant shall within the said period of eight weeks, furnish P.R. Bond in the sum of Rs.15,000/-, with one or two sureties in the like amount;

iii) The Applicant shall report to the trial Court, once in four months on the day/date specified by the trial Court, till his Appeal is finally disposed of;

iv) The Applicant shall keep the trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;

v) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. All concerned to act on the copy of this order, digitally signed by the Private Secretary of this Court.

REVATI MOHITE DERE, J.