

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

***INTERIM APPLICATION NO.691 OF 2020
IN
CRIMINAL APPEAL NO.219 OF 2020***

Vikram Shyamrao Zade ... Applicant
Vs
The State of Maharashtra ... Respondents
...

Mr. Rohan H. Barge for the Applicant.

Mr. Yogesh Dabke, APP for the Respondent-State.

CORAM : SANDEEP K. SHINDE J.
DATE : 15th FEBRUARY, 2021.

P.C. :

Pending appeal, application under Section 389(1) of the Code of Criminal Procedure, 1973 is moved, seeking suspension of sentence of rigorous imprisonment for five years imposed on him by the learned Additional Sessions Judge, Solapur in Sessions Case No.162 of 2017 vide which he was convicted under Section 354 of the Indian Penal Code, 1860 and

Sections 8, 9(f) read with 10 of the Protection of Children From Sexual Offences Act, 2012.

2 I have perused the evidence of the victim and the impugned judgment and order. It is alleged that applicant, a staff member of an educational institution, subjected the victim to aggravated sexual assault, which is punishable under Section 10 of the POCSO Act for either description for a term, which shall not be less than five years but which may extend to seven years and also be liable to fine.

3 The learned Trial Court sentenced the applicant to undergo rigorous imprisonment for five years; however, there is no appeal by the State for enhancement of sentence.

4 I have perused the evidence of P.W.2, 3, a victim and her sister. Also perused the impugned judgment. The learned Trial Court has relied on evidence of these two witnesses and on disciplinary proceedings initiated against the applicant, the learned Trial Court was of the view that there is direct and circumstantial evidence against the applicant.

5 Be that as it may, after perusing the evidence, I am prima-facie, satisfied that appeal is likely to be finally allowed and further that the appeal is not likely to be heard within reasonable period and since the applicant has undergone sentence for three years and ten months out of five years, execution of the impugned sentence is suspended and the applicant is directed to be released on bail on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

6 Pending appeal, the applicant shall report to the concerned Court, i.e., Additional Sessions Court, Solapur once in a month, i.e, 2nd Monday of every month between 11 a.m. to 1 noon commencing from March, 2021 till the disposal of the appeal.

7 Application is, accordingly, allowed and disposed of.

(SANDEEP K. SHINDE, J.)