

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1077 OF 2021
IN
CRIMINAL APPEAL NO. 293 OF 2021

Shivanand Ramgonda Hegaje Patil	...Applicant
Versus	
State of Maharashtra and Anr.	...Respondents

Ms. Anjali Patil for the Applicant.

Mr. S.V.Gavand, A.P.P for the Respondent-State.

Ms. Devyani Hemant Kulkarni appointed as an *Amicus Curiae* for the Respondent No.2.

CORAM : REVATI MOHITE DERE, J.
DATE : 26th APRIL, 2021
(Through Video Conferencing)

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of his appeal.

3. The applicant, vide judgment and order dated 22/02/2021 passed by the learned Special Judge (Under POCSO Act) and Additional Sessions Judge, Sindhudurg in Special (POCSO) Case No.03 of 2019, has been convicted and sentenced as under :-

- for the offence punishable under Section 10 of the Protection of Children from Sexual Offences Act, 2012, to suffer rigorous imprisonment for 5 years and to pay fine of Rs.5,000/-, in default to undergo further simple imprisonment for 2 months;
- for the offence punishable under Section 506 of the Indian Penal Code to suffer rigorous imprisonment for 6 months;

Since the applicant was sentenced for the offence punishable under Section 10 of the Protection of Children from Sexual Offences Act, 2012, no separate sentence was awarded for the offences punishable under Section 354 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012. As far as Section 323 is concerned, the applicant is acquitted, of the said offence.

4 It appears that the applicant was on bail, pending trial and that he has not abused or misused the liberty granted to him. The appeal has

been admitted by a separate order passed on 30/03/2021 in the aforesaid appeal. The sentence awarded is a short term sentence. The same is not likely to be heard in the immediate near future. Even otherwise, arguable questions have been raised by the learned Counsel for the applicants.

5. 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 six 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.

6. The High Court Legal Services Committee to pay the fees as per Rules, to Ms.Devyani Kulkarni, learned appointed Advocate, who has espoused the cause of the respondent No.2.

7. Copy of this order be forwarded to the High Court legal Services Committee, for information and necessary action.

8. The application is accordingly disposed of.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.