

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

**INTERIM APPLICATION NO.1973 OF 2021
IN
CRIMINAL APPEAL NO.652 OF 2021**

Kapil Prakash Satvekar

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

....

Mr. Mahendra Kawchale for the Applicant.

Mr. S.V. Gavand, APP for Respondent No.1-State.

Ms Megha Bajoria for Respondent No.2 (appointed)

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 29th NOVEMBER, 2021.

P.C.:-

By this application, filed under Section 389 of the Code of Criminal Procedure, 1973 the Applicant has sought to suspend the substantive sentence imposed by judgment dated 17/12/2020 passed by the learned Additional Sessions Judge, Kolhapur in Special Case No.64 of 2015 and to release him on bail.

2. By the impugned judgment, the learned Judge has held the Applicant guilty of offence punishable under Sections 341, 354, 354-A, 354-D and 506 of the IPC and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO).

3. The Applicant has been sentenced to undergo maximum term of rigorous imprisonment for three years. The appeal is already admitted. Considering the large pendency of the cases and the present situation arising from Covid-19 pandemic, final hearing of the appeal will take considerable time. Moreover, the Applicant was on bail, pending trial and has not misused the liberty.

4. In view of above facts and considering the nature of accusations, in my considered view this is a fit case for suspension of substantive sentence pending disposal of the appeal. Hence, the application is allowed on following terms and conditions:-

- (i) The substantive sentence imposed on the Applicant vide judgment dated 17/12/2020 in Special Case No.64 of 2015 is suspended pending disposal of the appeal;
- (ii) The Applicant is ordered to be released on bail on furnishing bail bonds in the sum of Rs.15,000/- with one or two sureties to the like amount;
- (iii) The Applicant shall report to the Trial Court, once in three months on the day/date specified by the Trial Court, till the 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 stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)