

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

**INTERIM APPLICATION NO.2055 OF 2021
IN
CRIMINAL APPEAL NO.679 OF 2021**

Hanmanta Bhimsi Dhotre

...Applicant

Versus

The State of Maharashtra & Ors.

...Respondents

....

Mr. Shekhar A. Ingawale for the Applicant.

Mr. S.V. Gavand, APP for Respondent -State.

Ms Ameeta Kuttikrishnan for Respondent No.2.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 2nd SEPTEMBER, 2021.

P.C.:-

Ms Ameeta Kuttikrishnan, learned counsel from legal aid panel is appointed as an Advocate to represent Respondent No.2

2. By this application under Section 389 of the Code of Criminal Procedure, 1973, the Applicant seeks suspension of sentence and enlargement on bail.

3. Heard learned counsel for the Applicant, learned APP for Respondent No.1-State and learned counsel for Respondent No.2.

4. By the impugned judgment dated 06/08/2021 passed by the learned Additional Sessions Judge, Special Court (POCSO), Kolhapur, in

Sessions Case No.11 of 2019, the Applicant has been convicted and sentenced for offences punishable under Sections 323, 354, 452 and 504 of the IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (POCSO). The only allegation against the Applicant is that he had held the hand of the victim. The Applicant was on bail during trial and has not misused the liberty. Moreover, the maximum sentence of imprisonment is of three years. In view of the large pendency of cases and the current situation arising from Covid-19 pandemic, it will not be possible to hear the appeal in immediate future. Considering this fact as well as the nature of accusation, in my considered view this is a fit case to suspend the substantive sentence pending disposal of the appeal.

5. Hence, the application is allowed on the following terms and conditions:-

- (i) The substantive order of sentence imposed vide judgment dated 06/08/2021 in Sessions Case No.11 of 2019 is suspended pending disposal of the appeal;
- (ii) The Applicant is ordered to be released on bail on furnishing PR bonds in the sum of Rs.10,000/- with one or two sureties in 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.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)