

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

CRIMINAL INTERIM APPLICATION NO. 661 OF 2021
IN
CRIMINAL APPEAL NO. 176 OF 2021

Vinod Bhuneshwar Yadav ...Applicant/Appellant
Versus
The State of Maharashtra ...Respondent

Mr. Prabhanjay R. Dave for the Applicant/Appellant

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

CORAM : REVATI MOHITE DERE, J.
MONDAY, 8th MARCH 2021

P.C. :

1 Heard learned counsel for the parties.

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

3 The applicant along with other co-accused, vide judgment
and order dated 30th January 2021 passed by the learned District

Judge-7 and Special Judge (POCSO), Thane, in Special Case (POCSO) No. 6 of 2018, has been convicted and sentenced as under :

- for the offence punishable under Section 366-A r/w Section 34 of the Indian Penal Code to suffer rigorous imprisonment for 5 years and to pay fine of Rs.1,000/- each, in default of payment of fine, to suffer further rigorous imprisonment for 1 month;
- for the offence punishable under Section 370(A) r/w Section 34 of the Indian Penal Code to suffer rigorous imprisonment for 5 years and to pay fine of Rs.1,000/- each, in default of payment of fine, to suffer further rigorous imprisonment for 1 month;

Both the sentences were directed to run concurrently.

The applicant has been acquitted of other offences.

4 Perused the papers. A perusal of the evidence of the victim girl, which is on page No. 21 of the application, shows that co-accused Babita had disclosed to her that she had sent her photographs to the applicant on his mobile; that the applicant was 'Seth'. This is the only evidence *qua* the applicant. It is not in dispute that the applicant was on bail pending trial and has not abused or misused the

conditions of bail. The appeal has been admitted by this Court vide order dated 2nd March 2021. The sentence imposed is a short term sentence and the appeal is not likely to be heard in near future.

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 enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two local sureties in the like amount;

- ii) The applicant shall report to the trial Court, once in three months on the day/date specified by the trial Court, till his appeal is finally disposed of;

- iii) 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;

iv) 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 applicant's bail.

6 The application is disposed of accordingly.

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

REVATI MOHITE DERE, J.