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

***CRIMINAL INTERIM APPLICATION NO.712 OF 2021
IN
CRIMINAL APPEAL NO.180 OF 2021***

Sankesh Rangnath Bale	...Applicant
Versus	
The State of Maharashtra and Anr.	...Respondents

Mr. Prajakt M. Arjunwadkar, for the Applicant.

Mr. P. H. Gaikwad-Patil, A.P.P for the Respondent No.1– State.

Ms. Megha Gowlani, Appointed Advocate for the Respondent No.2.

CORAM : REVATI MOHITE DERE, J.

DATE : 8th APRIL, 2021

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 28th January 2021, passed by learned Additional Sessions Judge, Sindhudurg, in

Special Case (POCSO) No.01 of 2019, has been convicted and sentenced as under:-

- for the offence punishable under Section 12 of the Protection of Children from Sexual Offences Act, to suffer rigorous imprisonment for 2 years and to pay fine of Rs.1,000/-, in default, to undergo simple imprisonment for 1 month;
- for the offence punishable under Section 506 of the Indian Penal Code, to suffer rigorous imprisonment for 1 year;
- Since the appellant was convicted and sentenced for the offence punishable under Section 12 of the Protection of Children from Sexual Offences Act, in view of Section 42 of the Protection of Children from Sexual Offences Act, no separate sentence is passed for lesser offence under Section 354-A(1)(i)(iv) and 354-D of the Indian Penal Code.

4. The applicant's Appeal has been admitted by this Court vide order dated 26th February 2021 and the same is not likely to come up for the hearing in the immediate near future. The sentence awarded is a short term sentence. It is not in dispute that the applicant was on bail pending trial and post his conviction his sentence has been suspended. It is also not in dispute that whilst on bail, the applicant has not abused or misused the liberty granted to him.

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 sureties in the like amount;
- ii) The Applicant shall report to the trial Court, once in four 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 bail.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.
7. The High Court Legal Services Committee to pay the fees as per Rules to Ms. Megha Gowlani, learned appointed advocate, who has espoused the cause of the respondent No.2.
8. Copy of this order be forwarded to the High Court Legal Services Committee, for information and necessary action.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.