

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

***CRIMINAL INTERIM APPLICATION NO. 850 OF 2021
IN
CRIMINAL APPEAL NO. 225 OF 2021***

Amol Ashok Nikam	...Applicant
Versus	
The State of Maharashtra & Anr.	...Respondents

Ms. Prajakta Pawar i/b Mr. Milind Pawar for the Applicant

Mr. S. V. Gavand, A.P.P for the Respondent No.1–State

Mr. Sumit Sonare for the Respondent No. 2

CORAM : REVATI MOHITE DERE, J.
(THROUGH VIDEO-CONFERENCING)
FRIDAY, 30th 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 the appeal.

3 The applicant, vide judgment and order dated 27th January 2021 passed by the learned Extra Joint Additional Sessions Judge, Pune, in Special Case (POCSO) No. 510/2017, has been convicted and sentenced as under:-

- for the offences punishable under Sections 354, 354-D of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, to suffer rigorous imprisonment for 4 years and to pay fine of Rs.5,000/-, in default of payment of fine, to undergo rigorous imprisonment for 1 year;
- for the offence punishable under Section 11 of the Protection of Children from Sexual Offences Act, to suffer rigorous imprisonment for 1 year and to pay fine of Rs.2,000/-, in default of payment of fine, to undergo rigorous imprisonment for 3 months.

Both the aforesaid sentences were directed to run concurrently.

4 It is not in dispute that the applicant was on bail pending trial and that he has not misused or abused the liberty granted to him.

5 Learned counsel for the respondent No. 2 apprehends that the applicant is likely to threaten the respondent No. 2 as well as her parents. He submits that stringent conditions be imposed on the applicant.

6 The appeal has been admitted by this Court vide order dated 22nd March 2021. The sentence awarded is a short term sentence and the appeal is not likely to be heard in the immediate near future.

7 Accordingly, 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 not tamper with the evidence or attempt to influence, threaten or contact the victim, witnesses or any person concerned with the case;

(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;

8 The application is disposed of accordingly.

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

REVATI MOHITE DERE, J.