

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 835 OF 2021
IN
CRIMINAL APPEAL NO. 221 OF 2021

Nishad @ Deepak Ramchandra Chaudhari	...Applicant
Versus	
State of Maharashtra and Anr.	...Respondents

Mr. Gaurav Parkar for the Applicant.

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

Ms. Monali Patil appointed as *Amicus Curiae* for the Respondent No.2.

CORAM : REVATI MOHITE DERE, J.
DATE : 6th 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 alongwith co-accused, vide judgment and order dated 22/01/2021 passed by the learned Extra Joint District and Additional Sessions Judge, Alibag, Raigad in Special (POCSO) Case No.65 of 2020, has been convicted and sentenced as under :-

- for the offence punishable under Section 7 read with Section 8 of the Protection of Children from Sexual Offence Act, 2012, to suffer rigorous imprisonment for 3 years and to pay fine of Rs.5,000/-, in default to undergo further simple imprisonment for 1 month;

Fine amount if deposited, was to be paid as compensation to the victim under Section 357 of the Code of Criminal Procedure;

4 Learned Counsel for the applicant submits that the applicant is in custody for about one year and that the maximum sentence imposed on the applicant is three years.

5. The appeal has been admitted vide order dated 17/03/2021. The sentence imposed is a short term sentence and the appeal is not likely to be heard in the immediate near future. The applicant is in custody for about one year.

6. 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.10,000/- with one or two 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 bail.

7. The High Court Legal Services Committee, Mumbai, to pay the fees as per Rules, to Ms.Monali Patil, 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, Mumbai, for information and necessary action.

9. The application is accordingly disposed of.

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

REVATI MOHITE DERE, J.