

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

***CRIMINAL INTERIM APPLICATION NO. 858 OF 2021
IN
CRIMINAL APPEAL NO. 226 OF 2021***

Akash Siddharth More	...Applicant
Versus	
The State of Maharashtra & Anr.	...Respondents

Mr. Gaurav Parkar for the Applicant

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

Ms. Manisha Devkar, appointed Advocate for the Respondent No. 2

CORAM : REVATI MOHITE DERE, J.
(THROUGH VIDEO-CONFERENCING)
FRIDAY, 7th MAY 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 26th February 2021 passed by the Extra Joint District and Additional Sessions Judge, Raigad-Alibag, in Special (POCSO) Case No. 76/2020, has been convicted and sentenced as under:

- for the offence punishable under Section 9(m) of the Protection of Children from Sexual Offences Act, to suffer rigorous imprisonment for 5 years and to pay fine of Rs.5,000/-, in default of payment of fine, to undergo simple imprisonment for 1 month.

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

5 Having heard learned counsel for the parties, the applicant has *prima facie* made out a case for suspension of his sentence and enlargement on bail.

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 released on cash bail in the sum of Rs. 15,000/-, for a period of 8 weeks;
- (ii) The applicant shall within the said period of 8 weeks, furnish P.R. Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;
- (iii) 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;
- (iv) The applicant shall not contact or threaten the victim, witnesses or any person concerned with the case;
- (v) 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;

7 The application is disposed of accordingly.

8 The High Court Legal Services Committee to pay the fees as per Rules, to Ms. Manisha Devkar, learned appointed Advocate who has espoused the cause of the respondent No. 2.

9 Copy of this order be forwarded to The High Court Legal Services Committee, Mumbai, for information and necessary action.

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

REVATI MOHITE DERE, J.