

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 910 OF 2021
IN
CRIMINAL APPEAL NO. 239 OF 2021

Pradip Sheshraosinh Solanki	...Applicant
Versus	
State of Maharashtra and Ors.	...Respondents

Mr. Sujay H. Gangal for the Applicant.

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

Mr. Tejas Hilage, appointed as an *Amicus Curiae* for the Respondent Nos.2 to 5.

CORAM : REVATI MOHITE DERE, J.
DATE : 19th APRIL, 2021
(Through Video-Conferencing)

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 16/02/2021 passed by the learned Additional Sessions Judge, Pune, in Special Case No.149 of 2015, has been convicted and sentenced as under :-

- for the offence punishable under Section 8 of the Prevention of Children from Sexual Offences Act, to suffer rigorous imprisonment for 4 years and to pay fine of Rs.1,000/-, in default to undergo further simple imprisonment for 3 months;
- for the offence punishable under Section 10 of the Prevention of Children from Sexual Offences Act, to suffer rigorous imprisonment for 6 years and to pay fine of Rs.1,000/-, in default, to undergo further simple imprisonment for 3 months;

The applicant was acquitted of the offence punishable under Section 354-A of the Indian Penal Code.

All the substantive sentences were directed to run concurrently.

4 Learned Counsel for the applicant submits that the applicant was on bail pending trial and that he has not abused or misused the liberty granted to him. He further submits that there are several infirmities in the evidence of the victim girls and that no independent witness has been

examined in the said case. He submits that the evidence on record shows that there was a dispute between the complainant and the applicant, pursuant to which, a false complaint was registered as against the applicant. He further submits that the Learned Judge acquitted the applicant for the offence punishable under Section 354-A of the Indian Penal Code, however, convicted the applicant under Sections 8 and 10 of the Prevention of Children from Sexual Offences Act. He submits that having regard to the sentence awarded and the fact that the appeal is not likely to be heard in the immediate near future, the applicant's sentence be suspended and he be enlarged on bail.

5. Learned Counsel for the Respondent Nos.2 to 5 as well as Learned APP opposed the application.

6. It is not in dispute that the applicant was on bail pending trial and that he has not abused or misused the liberty granted to him. The sentence awarded is a short term sentence. The appeal has been admitted by a separate order passed today, in the aforesaid appeal. The same is not likely to be heard in the immediate near future. Having heard learned Counsel for the applicant and having regard to the evidence on record, the applicant has prima facie, made out a case for suspension of his sentence

and enlargement on bail.

7. 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.

8. The application is accordingly disposed of.

9. The High Court Legal Services Committee to pay the fees as per Rules, to Mr. Tejas Hilage, learned appointed Advocate, who has espoused the cause of the respondent Nos.2 to 5.

10. Copy of this order be forwarded to the High Court legal Services Committee, for information and necessary action.

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

REVATI MOHITE DERE, J.