

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

***CRIMINAL INTERIM APPLICATION NO. 956 OF 2021
IN
CRIMINAL APPEAL NO. 245 OF 2021***

Sagar Machhindra Mane ...Applicant
Versus
The State of Maharashtra & Anr. ...Respondents

Mr. Rahul B. Vijaymane for the Applicant

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

CORAM : REVATI MOHITE DERE, J.
(THROUGH VIDEO-CONFERENCING)
MONDAY, 3rd 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 23rd February 2021 passed by the learned Additional Sessions Judge, Solapur, in Session Case No. 108 of 2016, has been convicted and sentenced as under:

- for the offences punishable under Section 12 of the Protection of Children from Sexual Offences Act, to suffer simple imprisonment for 3 months and to pay fine of Rs.1,000/-, in default of payment of fine, to undergo imprisonment for 1 month;

In view of Section 52 of the Protection of Children from Sexual Offences Act, no separate sentence was imposed on the applicant for the offence punishable under Section 354(A)(iv) of the Indian Penal Code.

The applicant was acquitted for the offences punishable under Section 354D of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act.

4 It is not in dispute that the applicant was on bail pending trial and even post his conviction, his sentence has been suspended by the trial Court. It is also not in dispute that whilst on bail, the applicant has not misused or abused the liberty granted to him. The sentence imposed is 3 months. The appeal has been admitted by a separate order passed today. The sentence awarded is a short term sentence and the appeal is not likely to be heard in the immediate near future.

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 six months on the day/date specified by the trial Court, till his appeal is finally disposed of;

(iii) The applicant shall not contact or threaten 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;

- 6 The application is disposed of accordingly.
- 7 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.