

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

**INTERIM APPLICATION NO. 973 OF 2021
IN
CRIMINAL APPEAL NO. 256 OF 2021**

Salomi Rajendran Applicant
v/s.
The State of Maharashtra and ors. Respondents

Mr. Shashank P. Borade for the Applicant.
Mr. S.V. Gavand, APP for the State.
Ms. Kanchi Trivedi for Respondent No.2 in APEAL/261/2021.
Mrs. Megha Bajoria for Respondent Nos.3 to 9 (appointed)
in both Appeals.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 15th DECEMBER, 2021.

P. C. :-

. The Applicant (accused no.3) has filed this Application under section 389 of Cr.P.C., for suspension of substantive sentence imposed by judgment dated 03/03/2020 in Special (POCSO) Case No.107/2019.

2. By the impugned judgment, the learned Additional Sessions Judge, Panvel-Raigad has held the Applicant guilty of offence under Section 21 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 and sentenced her to suffer rigorous imprisonment for one

year with fine of Rs.1,000/- in default to suffer rigorous imprisonment for 15 days.

3. Heard Mr. Shashank Borade, learned counsel for the Applicant, Mr. S.V. Gavand, learned APP for the State and Ms. Megha Bajoria, learned counsel for Respondent Nos.3 to 9. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

4. The sentence imposed against the Applicant (accused no.3) is of short term imprisonment. The Appeal is already admitted. The Applicant was on bail pending trial and has not misused the liberty. Considering the large pendency of the cases and also the situation arising from Covid-19 pandemic, it will not be possible to take up the Appeal in immediate future. In view of the above, this is a fit case for suspension of substantive sentence pending hearing of the Appeal. Hence, the Interim Application is allowed on following terms and conditions :-

(a) Substantive sentence imposed against the Applicant by judgment dated 03/03/2020 in Special (POCSO) Case No.107/2019, is suspended pending hearing of the Appeal ;

(b) The Applicant shall be released on bail on furnishing P.R. Bonds in the sum of Rs.10,000/- with one or two solvent sureties in the like amount to the satisfaction of the Trial Court ;

(c) The Applicant shall report to the Trial Court once in two months on the day/date specified by the Trial Court, till the Appeal is finally disposed of ;

(d) The Applicant shall keep the trial Court informed of her current address and mobile/contact numbers and/or change of residence or mobile details, if any, from time to time ;

(e) 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 application seeking cancellation of bail.

5. Interim Application stands disposed of accordingly.

**PREETI
H JAYANI**

Digitally signed by
PREETI H JAYANI
Date: 2021.12.17
12:25:10 +0530

(SMT. ANUJA PRABHUDESSAI, J.)