

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1236 OF 2021
IN
CRIMINAL APPEAL NO. 354 OF 2021

Chandrakant Waman Bhalerao	...Applicant
Versus	
The State of Maharashtra and Anr.	...Respondents

Mr. Rameshwar N. Gite for the Applicant.

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

Ms. Shraddha Sawant appointed as an *Amicus Curiae* for the Respondent No.2.

CORAM : REVATI MOHITE DERE, J.
DATE : 3rd MAY, 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 24/03/2021 passed by the learned District Judge – III and Additional Sessions Judge, Nashik, in Sessions (POCSO) Case No.96 of 2018, has been convicted and sentenced as under :-

- for the offence punishable under Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012, to suffer rigorous imprisonment for 4 years and to pay fine of Rs.10,000/-, in default to undergo further simple imprisonment for 3 months;

4 Learned Counsel for the applicant submits that the applicant aged 75 years is a retired school teacher. He submits that the allegations as against the applicant are false and baseless and that, no such incident as alleged had taken place. He submits that the applicant has been falsely implicated in the said case at the instance of victim's uncle and that there is evidence on record to that effect. He further submits that the applicant was not alone at home whilst conducting drawing classes for the children and that the cross examination of the victim girl shows that the applicant's wife, children and even daughter-in-law were present in the house and that the doors of the house would be open. He submits that the applicant was on bail, pending trial and that, he has not abused or misused the liberty granted to him.

5. The sentence awarded is a short term sentence. The appeal has been admitted by a separate order passed on 23/04/2021. The same is not likely to be heard in the immediate near future.

6. Considering the evidence on record, the age of the applicant, the fact that, he was on bail pending trial and that he has not misused or abused his liberty, 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.20,000/-, for a period of eight weeks;
- ii) The applicant shall within the said period of eight weeks, furnish P.R. Bond in the sum of Rs.20,000/-, with one or two sureties in the like amount;
- iii) The applicant shall keep the trial Court and the concerned Police Station 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 High Court Legal Services Committee to pay the fees as per Rules, to Ms.Shraddha Devkar, 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, 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.