

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

**INTERIM APPLICATION NO. 1259 OF 2021
IN
CRIMINAL APPEAL NO. 370 OF 2021**

Mangal Shankar Chaudhary Applicant
v/s.
The State of Maharashtra and anr. Respondents

**WITH
INTERIM APPLICATION NO. 1040 OF 2021
IN
CRIMINAL APPEAL NO. 279 OF 2021**

1) Varun Devendra Upadhyay
2) Bhupendra Manilal Vishwakarma Applicants
v/s.
The State of Maharashtra and anr. Respondents

Mr. Dilip Devadiga i/b. Mr. Sanjay Gaikwad for the
Applicant in IA/1259/2021.
Mr. S.V. Gavand, APP for the State.
Ms. Manisha Devkar for Respondent No.2.
Mr. Dinesh Tiwari for the Intervenor in IA/1040/2021
in Appeal/279/2021.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 29th JULY, 2021.

P. C. :-

. These are the Applications under Section 389 of Cr.PC. for
suspension of sentence imposed by judgment dated 04/01/2021 passed
by the learned Special Judge (POCSO Act) & Additional Sessions

Judge, Thane in Special Case No.143/2014, and enlargement on bail

2. Both the Applicants have been held guilty for offences under Section 363 and 366-A r/w. 34 of the Indian Penal Code (IPC) and Section 10 of Protection of Children from Sexual Offences (POCSO) Act, 2012 and have been sentenced to undergo rigorous imprisonment for five years and to pay fine of Rs.5,000/- in default rigorous imprisonment for six months in respect of each of the offences under Section 363 and 366-A r/w. 34 of IPC and Section 10 of POCSO Act. The sentence is ordered to run concurrently.

3. The sentence imposed is a short term imprisonment. Considering the large pendency and the present situation arising from COVID-19 pandemic, the hearing and disposal of the Appeal will take considerable time. The Applicants who were on bail pending trial, have not misused the liberty. Moreover, they have no criminal antecedents. Considering the above facts and circumstances, this is a fit case for suspension of sentence pending hearing of the Appeal and to enlarge the Applicant on bail.

4. Hence, the Interim Applications are allowed on following terms and conditions :-

(a) The Applicants be released on cash bail in the sum of Rs.40,000/- (Rupees Forty Thousand) each for a period of four weeks ;

(b) The Applicants shall within the said period of four weeks, furnish P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with one or two sureties in the like amount ;

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

(d) The Applicants shall keep the Trial Court informed of their 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 an application seeking

cancellation of bail.

5. The Interim Applications stand disposed of in above terms.
6. Parties to act on an authenticated copy of this order.

**PREETI
H JAYANI**

Digitally signed by
PREETI H JAYANI
Date: 2021.07.29
18:13:30 +0530

(SMT. ANUJA PRABHUDESSAI, J.)