

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

**INTERIM APPLICATION NO.1269 OF 2021
IN
CRIMINAL APPEAL NO.375 OF 2021**

Saklen Sameer Mujawar

...Applicant

Versus

The State of Maharashtra and
Anr.

...Respondents

....

Mr. Anand S. Patil for the Applicant.

Mr. S.V. Gavan, APP for the Respondent No.1-State.

Mr. Drupad Patil for Respondent No.2.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 14th JULY, 2021.

P.C.:-

This is an application under Section 389 of the Code of Criminal Procedure, 1973 for suspension of substantive order of sentence passed by learned Special Judge (POCSO and Additional Sessions Judge, Kolhapur in POCSO Special Case No.51 of 2019 and to enlarge him on bail.

2. Pursuant to the FIR lodged by Respondent No.2, crime was registered against the Applicant for offence punishable under Section 354-D of the IPC and under Section 12 of Protection of Children from Sexual Offences Act, 2012(POCSO). The Applicant was tried for the

said offence and upon considering the evidence on record, the learned Judge has held him guilty and sentenced him to undergo rigorous imprisonment for 2 years and to pay fine of Rs.10,000/- i/d to suffer further rigorous imprisonment of one month.

3. The sentence imposed against the accused is a short term sentence. The Applicant is also a young boy of 20 years of age. In view of above and considering that final disposal of the appeal is likely to take time, in my considered view this is a fit case to suspend the substantive sentence and enlarge the Applicant on bail pending disposal of the appeal on merits.

4. Hence, the application is allowed on following terms and conditions:

- (i) The Applicant is ordered to be released on bail on furnishing bail bonds of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of the Trial Court.
- (ii) The Applicant shall not contact the victim and /or interfere with the victim in any manner.
- (iii) The Applicant 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.

(iv) The Applicant shall keep the Trial Court informed of his current address and mobile contact numbers and/or change of residence or mobile details, if any, from time to time.

(v) 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 application stands disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J.)