

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

**INTERIM APPLICATION NO.1365 OF 2021
IN
CRIMINAL APPEAL NO.429 OF 2021**

Rahul Daulat Bodke

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

....

Mr. Chetan S. Damre for the Applicant.

Mr. P.H. Gaikwad, APP for the Respondent -State.

Ms Savita Yadav for Respondent No.2.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 8th OCTOBER, 2021.

P.C.:-

Notice was duly served on Respondent No.2. She has stated that she is unable to engage an advocate. Hence, Ms Savita Yadav from Legal Aid Panel is appointed to represent Respondent No.2.

2. Heard learned counsel for the Applicant, learned APP for the Respondent-State and learned counsel for Respondent No.2. Perused the records.

3. The Applicant herein has sought suspension of substantive sentence imposed vide judgment dated 24/03/2021 passed by the learned Additional Sessions Judge and Special Judge (POCSO), Nashik in

Sessions Case (POCSO) No.186 of 2018.

4. By the impugned judgment learned Special Judge has held the Applicant guilty of offences punishable under Sections 354-A(1)(i) read with Section 354-A(2) of the IPC and Section 7 read with section 8 of the Protection of Children from Sexual Offences Act, 2012 (POCSO). He has been sentenced to undergo rigorous imprisonment for 3 years with fine of Rs.2,000/- i/d to under go simple imprisonment for a period of two months.

5. The maximum sentence is of three years. The Appeal is admitted. Considering the large pendency of cases and the present situation arising from Covid-19 pandemic, it will not be possible to take the appeal for final hearing in immediate future.

6. Considering the above facts and so also the nature of evidence thereto, this is a fit case to suspend the sentence pending hearing of the appeal. Hence, the application is allowed on following terms and conditions:-

- (i) The substantive sentence imposed vide judgment dated 24/03/2021 in Sessions Case (POCSO) No.186 of 2018 is suspended pending disposal of the

appeal;

- (ii) The Applicant is ordered to be released on bail on furnishing PR bonds in the sum of Rs.15,000/- with one or two sureties in the like amount;
- (iii) The Applicant shall report to the Trial Court, once in three 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 number 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.

7. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)