

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

**INTERIM APPLICATION NO. 1479 OF 2021  
IN  
CRIMINAL APPEAL NO. 482 OF 2021**

Vikas Haribhau Jadhav

.... Applicant

v/s.

The State of Maharashtra and anr.

.... Respondents

Mr. Gopal Bhosale for the Applicant.

Mr. S.V. Gavand, APP for the State.

Mrs. Farhana Shah for Respondent No.2.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.**

**DATED : 05<sup>th</sup> AUGUST, 2021.**

**P. C. :-**

. This is an Application under Section 389 of Cr.PC. filed by the aforesaid Applicant seeking suspension of sentence imposed by judgment dated 23/03/2021 passed by Extra Joint Addl. Sessions Judge, Pune in Special Case (POCSO) No.357/2019 and enlargement on bail.

2. The Applicant has been held guilty for offences punishable under Sections 354-D, 506 of the Indian Penal Code and under Section 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 and sentenced to undergo rigorous imprisonment for one year and to pay fine of Rs.5,000/- in default to undergo rigorous imprisonment for

one month.

3. Heard Mr. Gopal Bhosale, learned counsel for the Applicant, Mr. S.V. Gavand, learned APP for the State and Ms. Farhana Shah, learned counsel for Respondent No.2 – victim. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

4. It is the case of the prosecution that the Applicant herein had committed sexual harassment on the victim who, at the time of the incident, was 17 years of age. The Applicant has been sentenced to undergo imprisonment for maximum term of 03 years. Considering the large pendency as well as the present situation arising from Covid-19 pandemic, the Appeal is not likely to come up for final hearing in the immediate future. The Applicant was on bail during the pendency of the trial and had not misused the liberty.

5. Considering the above facts and circumstances, this is a fit case for suspension of sentence pending final disposal of the Appeal. Hence, the Interim Application is allowed on following terms and conditions :-

(a) The Applicant is ordered to be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount to the satisfaction of the Trial Court ;

(b) 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 ;

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

(d) 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.

6. The Interim Application stands disposed of in above terms.

**(SMT. ANUJA PRABHUDESSAI, J.)**

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