

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

**INTERIM APPLICATION NO. 1537 OF 2021
IN
CRIMINAL APPEAL NO. 497 OF 2021**

Akshay Bhasker Ranshrungare Applicant
v/s.
The State of Maharashtra and anr. Respondents

**WITH
INTERIM APPLICATION NO. 1539 OF 2021
IN
CRIMINAL APPEAL NO. 500 OF 2021**

Akshay @ Sadhu Bhasker Kashinath
Ranshrungare Applicant
v/s.
The State of Maharashtra and anr. Respondents

Mr. Rushikesh Kale for the Applicant.
Mr. S.V. Gavand, APP in IA/1537/2021.
Mr. P.H. Gaikwad, APP in IA/1539/2021.
Mrs. Megha Bajoria for Respondent No.2.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 26th OCTOBER, 2021.

P. C. :-

ORDER IN INTERIM APPLICATION NO. 1537 OF 2021 :-

. The Applicant has sought suspension of substantive sentence imposed by judgment dated 31/03/2021 in Sessions Case

No.119/2018. By the impugned judgment, the learned Additional Sessions Judge, Solapur has held the Applicant guilty of offence under Section 376 of the Indian Penal Code and under Section 4 of Protection of Children from Sexual Offences (POCSO) Act and sentenced him to undergo seven years imprisonment with fine of Rs.5,000/- in default to undergo simple imprisonment for three months.

2. Heard Mr. Rushikesh Kale, learned counsel for the Applicant, Mr. S.V. Gavand and Mr. PH. Gaikwad, learned APPs for the State and Ms. Megha Bajoria, learned counsel for Respondent No.2. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The case of the prosecution is that the Applicant and the other co-accused had abducted the victim who was below 18 years of age. The Applicant took the victim to Ranjangaon and later at Karegaon and had forcible sexual intercourse with her. The evidence of the victim prima facie indicate that the victim had travelled by public transport from her village to Pune. She had not raised any alarm. She had stayed with the Applicant for about 07 to 08 days. Complaint was lodged by the mother of the victim only when the victim who had left the house at

05:00 a.m. had failed to return home. It is also stated that the Applicant is in custody since 16/01/2018. He has undergone sentence of almost four years.

4. Considering the above facts and circumstances, the nature of accusations and the evidence in support thereof, in my considered view, this is a fit case for suspension of substantive sentence. Hence, the Interim Application is allowed on following terms and conditions :-

(a) Execution of substantive sentence imposed against the Applicant by judgment dated 31/03/2021 in Sessions Case No.119/2018, is suspended pending hearing of the Appeal ;

(b) The Applicant shall be released on bail on furnishing P.R. Bonds in the sum of Rs.15,000/- with one or two solvent sureties in the like amount to the satisfaction of the Trial Court ;

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

(d) 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 ;

(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 application seeking cancellation of bail.

5. Interim Application No.1537/2021 stands disposed of accordingly.

ORDER IN INTERIM APPLICATION NO. 1539 OF 2021 :-

6. This is an Application under Section 389 of Cr.PC. filed by the aforesaid Applicant seeking suspension of substantive sentence imposed by judgment dated 31/03/2021 in Sessions Case No.2/2018. By the impugned judgment, the learned Additional Sessions Judge, Solapur has held the Applicant guilty of offence under Section 354B of the Indian Penal Code and under Section 8 of Protection of Children from Sexual Offences (POCSO) Act and sentenced him to undergo

maximum imprisonment of three years with fine of Rs.3,000/- in default to undergo simple imprisonment for three months.

7. The sentence imposed is a short term imprisonment. Considering the large pendency of the cases and also the situation arising from Covid-19 pandemic, it will not be possible to take up the Appeal in immediate future. In view of the above and also considering the nature of the accusations and evidence in support thereof, this is a fit case for suspension of substantive sentence pending hearing of the Appeal. Hence, the Interim Application is allowed on following terms and conditions :-

(a) Execution of substantive sentence imposed against the Applicant by judgment dated 31/03/2021 in Sessions Case No.2/2018, is suspended pending hearing of the Appeal ;

(b) The Applicant shall be released on bail on furnishing P.R. Bonds in the sum of Rs.15,000/- with one or two solvent sureties in the like amount to the satisfaction of the Trial Court ;

(c) The Applicant shall report to the Trial Court once in

two months on the day/ date specified by the Trial Court, till the Appeal is finally disposed of ;

(d) 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 ;

(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 application seeking cancellation of bail.

8. Interim Application No.1539/2021 stands disposed of accordingly.

9. All concerned to act on authenticated copy of this order.

(SMT. ANUJA PRABHUDESSAI, J.)

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signed by
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