

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1334 OF 2020
WITH
INTERIM APPLICATION NO.1335 OF 2020
IN
CRIMINAL APPEAL NO.435 OF 2020

Gorakshanath @ Gorakh
Madhukar Shekhare ..Applicant

V/s.
The State of Maharashtra & Anr. .Respondents

Mr.Aniket Vagal for the Applicant.

Mr.R.M. Pethe, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 25th OCTOBER 2021

P.C.

. These applications are for suspension of sentence and for release of the applicant on bail. The Applicant has been convicted for the offence punishable under Section 5(c) read with Section 6 of the Protection of Childrens From Sexual Offence Act, 2005 ('POCSO' for short) and Section 506 of the Indian Penal Code ('IPC' for short). For the offence under Section 5(c) read with Section 6 of the POCSO Act the Applicant has been sentenced to suffer rigorous imprisonment for 10 years and to pay a fine of Rs.10,000/- and in default to suffer rigorous

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imprisonment for one year. For the offence under Section 506 of IPC the Applicant has been sentenced to suffer simple imprisonment for one year and to pay a fine of Rs.1,000/- and to pay in default to suffer simple imprisonment for two months. Both the sentences has directed to run concurrently.

2. I have heard the learned counsel for the applicant and the learned Additional Public Prosecutor.

3. The Criminal Appeal challenging the said conviction and sentence has been admitted.

4. The applicant was on bail during the course of the trial.

5. The victim is said to be 15 years of the age on the date of the incident.

6. The learned Additional Public Prosecutor submitted that the applicant was working as a Peon in Bhyculla Police Station and in the event the sentence is suspended, the applicant may be directed not to enter Village-Mohadi, Taluka Dindori, District-Nashik which was also the condition imposed when the applicant was released on bail by the learned Sessions Judge by

order dated 4 July 2017 in Criminal Bail Application No.634 of 2017.

7. In such circumstances, the following order is passed.

ORDER

(i) The substantive sentence of imprisonment awarded to the applicant is hereby suspended pending disposal of the Appeal on condition of the applicant furnishing a P.R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount. The applicant shall deposit fine if not already deposited.

(ii) The applicant shall not enter Village-Mohadi, Taluka Dindori, District-Nashik pending disposal of the appeal and shall not directly or indirectly make any attempt to contact or influence the victim and the prosecution witnesses.

(iii) The bail bonds to be furnished before the learned Special Judge.

(iv) The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.