

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

**INTERIM APPLICATION NO. 2015 OF 2021
IN
CRIMINAL APPEAL NO. 664 OF 2021**

Shankar @ Shivshankar Siddhayya Swami Applicant
v/s.
The State of Maharashtra and anr. Respondents

Mr. Milind R. Deshpande for the Applicant.
Mr. S.V. Gavand, APP for the State.
Mrs. Megha Bajoria for Respondent No.2.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 26th OCTOBER, 2021.

P. C. :-

. Date of today's hearing is intimated to the Respondent No.2. She has requested for an advocate from legal aid panel. Ms. Megha Bajoria, learned advocate is appointed to represent Respondent No.2.

2. By this Application filed under Section 389 of Cr.P.C., the Applicant has sought suspension of substantive sentence imposed by judgment dated 07/07/2021 in Special (POCSO) Case No.339/2019. By the impugned judgment, the learned Extra Joint Additional Sessions Judge, Pune has convicted the Applicant (accused no.2) in Special Case for offences under Section 354-B r/w. 34 of the Indian Penal Code and under

section 8 of the POCSO Act, 2012. He has been sentenced to undergo rigorous imprisonment for three years and to pay fine of Rs.5,000/- in default to undergo rigorous imprisonment for six months.

3. Heard Mr. Milind Deshpande, learned counsel for the Applicant, Mr. S.V. Gavand, learned APP 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.

4. 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 07/07/2021 in Special (POCSO) Case No.339/2019, 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 stands disposed of accordingly.

**PREETI
H JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)

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