

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1479 OF 2020

ALONG WITH

INTERIM APPLICATION NO. 1480 OF 2020

IN

CRIMINAL APPEAL NO. 506 OF 2020

Mahesh Dnyaneshwar Kharabe

... Applicant/Appellant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Kayval P. Shah a/w. Ms.Gunjan Shah for Applicant/Appellant.

Ms.Veera Shinde, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 4th January 2021.

PC. :

These are applications for suspension of sentence and releasing the applicant on bail.

2. Heard Mr.Shah, learned counsel for the applicant and Ms.Shinde, learned A.P.P. for the respondent-State.

3. The applicant is convicted under Section 452 and 354 (A)(i) of the Indian Penal Code and under Section 7 punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 (for short, "POCSO Act") and is sentenced to suffer maximum rigorous imprisonment of 3 years and to pay a total fine of Rs.3,000/- by the learned Additional Sessions Judge,

Pune in Special (POCSO) Sessions Case No. 171 of 2016, by its Judgment and Order dated 3rd December 2020.

4. Learned counsel for the applicant submitted that, during the pendency of the trial the applicant was released on bail and he has not breached any of the conditions imposed upon him. He further on instructions submitted that, the applicant has already deposited the entire fine amount in the Registry of the Trial Court.

5. The sentence imposed upon the applicant is a short term sentence. The possibility of hearing the present Appeal on its own merits in near future is remote.

6. In view of the above, the sentence imposed upon the applicant can be suspended and he can be released on bail.

Hence, the following Order :-

- (i) During the pendency of the present Appeal, the substantive sentence imposed upon the applicant is suspended.
- (ii) Applicant be released on bail in Special (POCSO) Sessions Case No. 171 of 2016 on his furnishing P.R. bond of Rs.15,000/- with one or two local sureties in the like amount.
- (iii) After his release from Jail and during the pendency of the present Appeal, initially for a period of one year the applicant shall attend Shikrapur Police Station, District

Pune on every first Monday of the month between 10:00 am and 12:00 noon.

After end of one year, the applicant shall attend Shikrapur Police Station on every first Monday of every 3rd Month between 10:00 am and 12:00 noon. The applicant thus shall attend Shikrapur Police Station 4 times in a year during the pendency of the present Appeal.

- (iv) If the applicant commits two consecutive defaults in complying with condition No.(iii) above, in that event, the prosecution will be at liberty to file an application for cancellation of bail.
- (v) Applicant shall not contact prosecutrix and/or other witnesses in the present crime.

7. Applications are allowed in the aforesaid terms.

[A.S. GADKARI, J.]

Omkar S.
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