

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

**INTERIM APPLICATION NO.2072 OF 2021
IN
CRIMINAL APPEAL NO.686 OF 2021
WITH
CRIMINAL APPEAL NO.686 OF 2021**

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Sachin Ananta Patil

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

....

Mr. Umesh Iyer with Mr. Devendra Avhad for the Applicant.

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

Mr. Subir Sarkar i/b. Ms Shraddha Sawant for Respondent No.2.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 13th SEPTEMBER, 2021.

P.C.:-

INTERIM APPLICATION NO.2072 OF 2021:-

This is an application under Section 389 of the Code of Criminal Procedure, 1973, for suspension of substantive sentence imposed by judgment dated 30/07/2021 passed by learned Extra Joint Additional Sessions Judge, Pune, in Spl (POCSO) Case No.382 of 2019 and to enlarge the Applicant on bail.

2. Heard Mr. Umesh Iyer, learned counsel for the Applicant, Mr. S.V. Gavand, learned APP for the Respondent-State and Mr. Subir Sarkar,

learned counsel for Respondent No.2-victim. Perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. By the impugned judgment dated 30/07/2021 the learned Judge held the Applicant guilty of offences punishable under Sections 323, 354 and 509 of the IPC and Sections 8 and 12 of the Protection of Children from Sexual Offences Act (POCSO). The Applicant has been sentenced to undergo three years rigorous imprisonment and to pay fine of Rs.5,000/- i/d. to suffer rigorous imprisonment for one month for offence under Section 354 of the IPC and Section 8 of the POCSO Act. Applicant is further sentenced to suffer rigorous imprisonment for six months and to pay fine of Rs.2000/- i/d to suffer rigorous imprisonment for one month for offence under Section 509 of the IPC and Section 12 of the POCSO Act. The Applicant has also been sentenced to undergo rigorous imprisonment for three months with fine of Rs.1,000/- i/d. to suffer rigorous imprisonment for one month for offence under Section 323 of the IPC.

4. The maximum sentence of imprisonment is of three years. Appeal is of the year 2021. Several old cases are pending before the Court. Moreover, considering the present situation arising from Covid-

19 pandemic, it will not be possible to hear the appeal finally in immediate future. The Applicant was on bail pending trial and has not misused the liberty.

5. Considering the above facts and circumstances, in my considered view this is a fit case to suspend the substantive sentence and to enlarge the Applicant on bail pending disposal of the appeal. Hence, the application is allowed on the following terms and conditions:-

- (i) The substantive sentence imposed vide judgment dated 30/07/2021 in Spl (POCSO) Case No.382 of 2019 is suspended pending disposal of the appeal;
- (ii) The Applicant is ordered to be released on bail on furnishing PR bonds in the sum of Rs.10,000/- with one or two sureties in the like amount;
- (iii) The Applicant shall report to the Trial Court, once in three months on the day/date specified by the Trial Court, till the appeal is finally disposed of;
- (iv) The Applicant shall keep the Trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time

to time.

(v) 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 application stands disposed of.

CRIMINAL APPEAL NO.686 OF 2021:-

7. Heard. Admit.

8. Mr. S.V. Gavand, learned APP waives service on behalf of Respondent No.1-State and Mr. Subir Sarkar, learned counsel waives service on behalf of Respondent No.2. Call for the record and proceedings. Paper book to be filed within a period of six months.

(SMT. ANUJA PRABHUDESSAI, J.)