

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

INTERIM APPLICATION NO. 2225 OF 2021
IN
CRIMINAL APPEAL NO. 751 OF 2021

Raees Chand Maniyar & Anr. ..Applicants

v/s.

State of Maharashtra & Anr. ..Respondents

Mr. Chetan Damre for the Applicant.

Mr. P.H.Gaikwad, APP for the Respondent-State.

Mr. Ajinkya Udave i/b. Savita Yadav for the Respondent No.2.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 22nd OCTOBER, 2021.**

P.C.

1. This is an application under Section 389 of Cr.P.C. for suspension of sentence imposed vide judgment dated 21.8.2021 in Special Case (POCSO) NO. 107 of 2019.

2. Heard learned Counsel for the Applicant, learned APP for the State and learned Counsel for the Respondent No.2. I have perused the records.

3. By the impugned judgment the Applicants have been held guilty of offences under Section 11 and 12 of the Protection of Children from Sexual Offences Act and Section 341 of Indian Penal Code. The maximum sentence imposed is rigorous imprisonment for

three years.

4. The appeal is already admitted. The appeal is of the year 2021 and is not likely to come up for final hearing in the next couple of years due to large pendency of old cases as well as the present situation arising from COVID 19 pandemic.

5. In view of the above and also considering the nature of the accusations, in my considered view, this is a fit case for suspending the sentence pending the disposal of the appeal on merits. Hence the application is allowed on the following terms and conditions:-,

i) Substantive sentence imposed against the Applicants imposed by judgment dated 21st August, 2021 in Special Case (POCSO) No. 107 of 2019 is suspended pending hearing of the appeal;

ii) The Applicants are ordered to be released on bail on furnishing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand Only) each with one or two solvent sureties in the like amount, to the satisfaction of the Trial Court;

iii) The Applicants 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;

(iv) The Applicants shall keep the trial Court informed of their current address and mobile/contact numbers 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 application seeking cancellation of bail.

. Application is accordingly disposed of.

PRASANNA P
SALGAONKAR

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signed by
PRASANNA P
SALGAONKAR
Date:
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(ANUJA PRABHUDESSAI, J.)