

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

**INTERIM APPLICATION NO. 2628 OF 2021
WITH
INTERIM APPLICATION NO. 2629 OF 2021
IN
CRIMINAL APPEAL NO. 886 OF 2021**

Sachin Suresh Shinde ...Applicant

Vs.

The State of Maharashtra & Anr. ...Respondents

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Mr. Tushar Sonawane, for the Applicant.

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

Mr. Sujoy Palshikar i/b. Mr. Rajan Pawar, for Respondent No.2.

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CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 6th DECEMBER, 2021

P. C :

. These applications are filed under Section 389 of Code of Criminal Procedure Code, 1973 for suspension of substantive sentence imposed vide Judgment dated 22nd September 2021 in Session Case (POCSO) No.350 of 2018 passed by the learned Special Judge, (POCSO), Nashik and to release the Applicant on bail.

2. Heard Mr. Tushar Sonawane, learned Counsel for the

Applicant, Mr. P. H. Gaikwad, learned APP for the State and Mr. Sujoy Palshikar, learned Counsel for Respondent No.2. I have perused the record and considered the submissions advanced by learned Counsel for the respective parties.

3. By the impugned Judgment the Applicant has been held guilty for the offence punishable under Section 11 read with Section 12 of the Protection of Children from Sexual Offences Act. He has been sentenced to undergo for Rigorous Imprisonment for three years with fine of Rs.2,000/- in default to suffer S.I. for a period of one month in respect of offences under Section 11 read with Section 12 of the Protection of Children from Sexual Offences Act. No separate sentence is imposed for offences punishable under Section 354 A(i) and 354-D(i) of Indian Penal Code.

4. The sentence imposed is of short term imprisonment. Considering the pendency of the cases and present situation arising from COVID-2019 Pandemic, it will not be possible to hear the appeal in near future.

5. Learned Counsel for Respondent No.2 states that the

Applicant was earlier involved in a similar case and that Crime No.I-297 of 2015 was registered against him at Nashik Road Police Station. Learned Counsel for the Applicant has placed on record copy of the Judgment dated 26th July 2018 in Session Case No.188 of 2016 which indicates that the Applicant has been acquitted hence bail cannot be rejected on the ground of alleged criminal antecedents. The Applicant was on bail during trial. He has not misused the liberty. Hence, the application is allowed on following terms and conditions.

ORDER

- (i) The substantive sentence imposed by Judgment dated 2nd September 2021 in Session Case (POCSO) No.350 of 2018 passed by the learned Special Judge, (POCSO), Nashik is suspended, pending hearing of the appeal.
- (ii) The Applicant is ordered to be released on bail on furnishing PR. bonds in sum of Rs.20,000/- (Rupees Twenty Thousand Only) 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.

(vi) Both Interim Applications stand disposed of.

(SMT. ANUJA PRABHUDESAI, J.)

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