

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

**INTERIM APPLICATION NO. 2802 OF 2021
IN
CRIMINAL APPEAL NO.943 OF 2021**

Ganesh Mohan Zite and anr. Applicants
v/s.
The State of Maharashtra and anr. Respondents

Mr. Gaurav Parkar for the Applicants.
Mr. S.V. Gavand, APP for the State.
Ms. Priyanka Chavan for Respondent No.2 (appointed).

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 01st DECEMBER, 2021.

P. C. :-

. Notice is duly served on Respondent No.2. Learned APP has placed on record report stating that the Respondent No.2 has sought assistance of an advocate from Legal Aid Panel. Ms. Priyanka Chavan, learned advocate is appointed to represent Respondent No.2.

2. I have perused the records. By this Application filed under section 389 of Cr.PC, the Applicant has sought suspension of substantive sentence imposed by judgment dated 24/03/2021 in Special (POCSO) Case No.18/2020. By the impugned judgment, the

Applicant has been held guilty of offence under section 354D(1)(i) of the Indian Penal Code and section 11(iv) punishable under section 12 of Protection of Children from Sexual Offences (POCSO) Act, 2012.

3. The maximum sentence imposed is imprisonment of six months. Since the sentence imposed is of short term imprisonment and considering the large pendency of the cases, it will not possible to take the Appeal for hearing in immediate future. In view of the above and considering the nature of accusations and the 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) Substantive sentence imposed against the Applicant by judgment dated 24/03/2021 in Special (POCSO) Case No.18/2020, 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.10,000/- 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.

4. Interim Application stands disposed of accordingly.

**PREETI
H JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)

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