

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1076 OF 2021
IN
CRIMINAL APPEAL NO.291 OF 2021

Mayappa Laxman Hegade

Applicant

versus

The State of Maharashtra and another

Respondents

Mr.Vilas B. Tapkir, Advocate for applicant.

Mr.S.V.Gavand, APP, for State.

Ms.Farhana Shah, Advocate for respondent no.2.

CORAM : PRAKASH D. NAIK, J.

DATE : 30th March 2022

PC :

1. This is an application for suspension of sentence and grant of bail pending Criminal Appeal No.291 of 2021. The applicant is convicted for offence under Section 363 of Indian Penal Code and sentenced to suffer imprisonment of three years. He has been acquitted for offence u/s.376(3) of Indian Penal Code and Sections 4 and 12 of Protection of Children from Sexual Offences Act, 2012.

2. The applicant was on bail during trial. On the date of conviction the sentence of imprisonment was suspended. The appeal preferred by the applicant has been admitted by this Court. By order date 30th March 2021 the order suspending sentence was continued till next date. The inter order is in operation.

3. The victim stated that there was no physical relation between her and the accused. Considering the fact that sentence is of short

term and other circumstances stated hereinabove, this application can be allowed.

ORDER

- (i) Interim Application is allowed and disposed of;
- (ii) The sentence of imprisonment imposed vide judgment and order dated 2nd March 2021 by Sessions Judge, Sindhudurg, Oros in Special Case (POCSO) No.2 of 2020 is suspended and applicant is directed to be released on bail on executing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- (iii) The applicant is permitted to furnish cash bail in the sum of Rs.20,000/- for eight weeks in lieu of sureties;
- (iv) The applicant shall attend Trial Court once in six months on First Saturday of the month till disposal of the Criminal Appeal;
- (v) In the event there are two consecutive defaults in attending the Trial Court, the Trial Court shall submit report to this Court;
- (vi) In the event of default committed by the applicant in attending the Trial Court, the prosecution will be at liberty to prefer application for cancellation of bail.

(PRAKASH D. NAIK, J.)

MST