

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

**INTERIM APPLICATION NO.282 OF 2022
IN
CRIMINAL APPEAL NO.68 OF 2022**

Dinanath Maruti Patil .. Applicant/Appellant
Versus
State of Maharashtra and Anr. .. Respondents

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Mr.Prashant Raul, Advocate for the Applicant/Appellant.
Ms.P.N. Dabholkar, APP for the Respondent 1-State.
Ms.Grishma Lad, Advocate for Respondent No.2.

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CORAM : PRAKASH D. NAIK, J.

DATED : MARCH 07, 2022.

P.C. :

This is an application for suspension of sentence and grant of bail pending criminal Appeal No.65 of 2022.

2 The applicant/appellant is convicted for the offence punishable under Section 354A(1)(i) of Indian Penal Code ("IPC", for short), Sections 7 and 8 of Protection of Children from Sexual Offences Act, 2012 ("POCSO Act", for short) and sentenced to suffer imprisonment of three years. The applicant/appellant is acquitted for the offence under Section 9(m) punishable under Section 10 of POCSO Act.

3 The case of prosecution is that the accused had molested the victim girl. The accused is the neighbour of the victim. The incident had occurred on the date of birthday celebration of relative of the accused.

4 Learned counsel for the applicant/appellant submitted that there are serious discrepancies in the evidence. The applicant /appellant was on bail during the trial. The sentence is of short term. The facility of bail has not been misused in any manner.

5 Learned APP submitted that the accused is the neighbour of victim. She was subjected to sexual assault. The victim is a minor girl. There is sufficient evidence to convict him for the said offence. Learned counsel for respondent no.2 supported the submissions of learned APP. The victim is minor. There is no reason to disbelieve version of victim.

6 The applicant/appellant was on bail during the trial. There is no adverse report about the misuse of bail facility. On the date of conviction the sentence of imprisonment has been suspended by the trial Court. The maximum sentence imposed by the trial Court is for the period of three years. The applicant/appellant has urged that

there are infirmities in the evidence of the prosecution. Considering the aforesaid circumstances, the sentence of imprisonment can be suspended.

7 Hence, I pass the following order:

:: ORDER ::

- (i) Interim Application No.282 of 2022, is allowed;
- (ii) The sentence of imprisonment imposed *vide* judgment and order dated 20th November, 2021, passed by the learned Extra Jt.District and Additional Sessions Judge, Raigad-Alibag in Special (POCSO) Case No.61 of 2020, is suspended and the applicant/appellant is directed to be released on bail on executing P.R.Bond in the sum of Rs.20,000/-, with one or more sureties in the like amount;
- (iii) The applicant/appellant is permitted to furnish cash bail security of Rs.20,000/-, for a period of ten weeks, in lieu of surety;
- (iv) The applicant/appellant shall attend the trial Court once in six months on first Saturday of the month between 11:00 a.m. to 01:00 p.m., till the disposal of Appeal;

- (v) In the event there are two consecutive defaults in attending the trial Court, the said fact may be brought to notice of this Court, and, the prosecution is at liberty to move an application for cancellation of bail;
- (vi) The applicant/appellant shall not approach the victim in any manner. He shall not visit the vicinity of the residence of the victim;
- (vii) Interim Application No.282 of 2022, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)