

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.462 OF 2022  
IN  
CRIMINAL APPEAL NO.126 OF 2022

Anil Madhukar Dombale

Applicant

versus

The State of Maharashtra and another

Respondents

Mr.Kuldeep Patil i/by Ms.Heena Suvarnakar, Advocate for applicant.  
Mr.S.V.Gavand, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 8<sup>th</sup> March 2022

PC :

1. The applicant is seeking suspension of sentence and grant of bail pending Criminal Appeal No.126 of 2022 challenging judgment of conviction.

2. The applicant has been convicted vide judgment and order dated 5<sup>th</sup> March 2021 in Special Case (POCSO) No.92 of 2018 by Extra Joint District Judge & Additional Sessions Judge, Sangli for offence under Section 354-A(1)(i) of Indian Penal Code and under Section 8 of Protection of Children from Sexual Offences Act and sentenced to suffer rigorous imprisonment for three years with fine of Rs.10,000/-. He has been acquitted for the offence u/s.341 of IPC and under Section 12 of POCSO Act.

3. The prosecution case is that on 25<sup>th</sup> August 2018 at about 8.30 am, the applicant-accused had obstructed the victim while

proceeding on the road and tried to drag her in cattle shed and told her to sleep with him. The victim shouted. Her relatives came on spot. The accused ran away from spot.

4. The applicant was on bail during trial. On the date of conviction sentence of conviction has been suspended by the Trial Court in accordance with Section 389 of Cr.PC.. The applicant has been arrested subsequently on 18<sup>th</sup> July 2021 and since then he is in custody.

5. Learned counsel for applicant submitted that there is no misuse of the facility of bail granted during trial. The sentence is of short term.

6. Learned APP and learned advocate for respondent no.2 submitted that there is sufficient evidence to convict applicant. The victim has attributed specific role to the applicant. He has been convicted for the offence u/s.354 of IPC and Section 8 of POCSO Act.

7. Undisputedly the applicant was on bail during trial. Even on the date of conviction, the conviction was suspended. There is no adverse report of misuse of facility of bail. The applicant is in custody from July-2021. In view of these circumstances case for suspension of sentence and grant of bail is made out.

### **ORDER**

(i) The sentence of imprisonment imposed vide judgment and order dated 5<sup>th</sup> March 2021 in Special Case (POCSO) No.92 of 2018 by Extra Joint District Judge & Additional Sessions Judge, Sangli 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;

(ii) The applicant is permitted to furnish cash bail in the sum of Rs.20,000/- for ten weeks in lieu of sureties;

(iii) The applicant shall attend Trial Court once in six months on first Saturday of the month till final disposal of the Criminal Appeal;

(iv) In the event there are two consecutive defaults in attending the Trial Court, the Trial Court shall submit report to this Court;

(v) 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