

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

**INTERIM APPLICATION NO. 504 OF 2022
IN
CRIMINAL APPEAL NO. 135 OF 2022**

Bhushan Jibhau Jadhav ...Applicant/Appellant
Versus
The State Of Maharashtra And Anr. ...Respondents

....

Mr. Chetan Deshmukh, Advocate for the Applicant/Appellant

Ms. Grishma Lad, Advocate for Respondent No.2.

Mr. Arfan Sait, APP for the Respondent – State.

**CORAM : PRAKASH D. NAIK, J.
DATE : 31st MARCH, 2022.**

PER COURT:

1. This is an application for suspension of sentence and grant of bail during the pendency of Criminal Appeal No.135 of 2022.

2. The applicant has been convicted for offence punishable under Section 354 of Indian Penal Code (for short “IPC”) and Section 8 r/w Section 7 of Protection of Children from Sexual Offences Act, 2012 (for short ‘POCSO Act’). He has been sentenced to suffer imprisonment of three years on each count.

3. The case of the prosecution is that the accused No.1 used to follow the victim. He started talking to her and kept on

harassing. On 6th March, 2015, accused No.1/applicant caught hand of the victim and told her to dance with him. She refused to do so. She was threatened by him. Thereafter, he stalked her and outraged her modesty. On 26th April, 2015, the appellant and the other accused threatened the father of victim and assaulted him. The harassment continued even thereafter and hence, the FIR was registered.

4. The other accused were acquitted by the trial Court and the applicant has been convicted for the aforesaid offences. The applicant was on bail during the trial. There is no adverse report about misuse the facility of bail. The sentence is of short term. On the date of conviction, the trial Court had suspended the sentence in accordance with Section 389 of Cr.P.C. Thereafter, this Court had granted interim relief vide order dated 15th February, 2022.

5. Learned APP and learned counsel for respondent No.2 submitted that the applicant has been convicted on the basis of evidence. He had continued to harass the victim and her family members.

6. However, considering the factual aspects as stated above, the sentence of imprisonment can be suspended till the

final disposal of appeal on certain terms and conditions.

7. Hence, I pass the following order:

ORDER

- i. Interim Application No. 504 of 2022 is allowed;
- ii. During the pendency of Criminal Appeal No.135 of 2022, the sentence of imprisonment imposed vide Judgment and order dated 13th January, 2022 passed by learned Additional Sessions Judge and Special Judge(POCSO), Nashik in Sessions Case (POCSO) No.70 of 2016 is suspended and the applicant is directed to be released on bail on executing PR. Bond in the sum of Rs.15000/- with one or more sureties in the like amount;
- iii. The applicant is permitted to furnish cash bail in the sum of Rs.15,000/- for a period of ten weeks in lieu of surety.
- iv. The applicant shall attend the trial Court once in six months on first Saturday of the month till the final disposal of the appeal;
- v. In the event, there are two consecutive defaults in attending the trial Court, the said fact may be brought to the notice of this Court and in such eventuality, the prosecution will be at liberty to prefer an application for cancellation of bail.
- vi. The applicant shall not approach the victim and her relatives and shall not cause any harassment on any nature to the victim or her family members.

vii. Interim Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)