

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

**INTERIM APPLICATION NO. 542 OF 2022
ALONG WITH
CRIMINAL APPEAL NO. 1281 OF 2018**

Rahul Rajendra Gondhali	...Applicant/Appellant
Versus	
State Of Maharashtra	...Respondent

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Shri. Prashant M. Patil , Advocate for the Applicant/ Appellant
Mr. H.J.Dedhia, APP for the Respondent – State.

CORAM	:	PRAKASH D. NAIK, J.
DATE	:	22nd FEBRUARY, 2022.

PER COURT:

1. This is an application for suspension of sentence and grant of bail during the pendency of Criminal Appeal No.1281 of 2018.

2. The previous application preferred by the applicant for suspension of sentence was disposed of as withdrawn vide order dated 10th December, 2019.

3. Learned counsel for the applicant on instructions submitted that the said application was simpliciter withdrawn without arguing the application on merits. It is submitted that the applicant is in custody from 13th April, 2015 and he has undergone the sentence of about 6 years and

10 months. The appeal may not come up for hearing within short span of time. Hence, on any condition sentence of imprisonment may be suspended and the applicant may be granted bail.

4. Learned APP submitted that the offence is of serious nature. The applicant has been sentenced to undergo imprisonment of 20 years for offence under Section 376(D) of IPC. At the most this Court may expedite the hearing of the appeal.

5. The applicant has been convicted for offence under Section 376 (2)(i) of IPC and sentenced to suffer rigorous imprisonment for 10 years. He is also convicted for offence under Section 376(D) and sentenced to undergo imprisonment of 20 years. He is further convicted for offence under Section 4 of Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act'). However, in view of Section 42 of the POCSO Act, separate sentence is not passed for the conviction under under the said provision. The victim was aged around 10 years at the time of incident.

6. Considering the nature of offence, evidence on record and sentence of imprisonment upon the applicant, no case is made out for suspension of sentence and grant of bail.

However, in light of the fact that the applicant has undergone sentence of imprisonment of about 6 years and 10 months, hearing of appeal is expedited.

7. Hence, I pass the following order:

ORDER

- i. Interim Application No. 542 of 2022 is rejected and disposed off accordingly.
- ii. Hearing of Appeal is expedited.
- iii. The appeal be listed on board for final hearing as soon as the paper book is ready.
- iv. The applicant is granted liberty to mention the matter for fixing it for hearing as soon as the paper book is ready.
- v. Interim Application stands disposed off accordingly.

(PRAKASH D. NAIK, J.)