

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

**INTERIM APPLICATION NO. 950 OF 2022  
IN  
CRIMINAL APPEAL NO. 288 OF 2022**

Rohan Dilip Bhandekar ...Applicant/Appellant  
Versus  
The State Of Maharashtra And Anr. ...Respondents

....

Mr. Tukaram S. Shendge, Advocate for the Applicant/Appellant  
Mr. Arfan Sait, APP for the Respondent – State.

**CORAM : PRAKASH D. NAIK, J.**  
**DATE : 31<sup>st</sup> MARCH, 2022.**

**PER COURT:**

1. Leave to amend the prayer clause ‘(b)’ in application.  
Amendment may be carried out forthwith.

2. This is an application for suspension of sentence and grant of bail during pendency of Criminal Appeal No.288 of 2022 challenging the judgment of conviction.

3. The applicant has been convicted for offence punishable under Section 363 of Indian Penal Code (for short “IPC”) and sentenced to suffer rigorous imprisonment for four years and to pay fine of Rs.50,000/-.

4. The applicant was charged for offences under Sections 363, 376 of IPC and Section 6 of Protection of Children from

Sexual Offences Act, 2012 (for short 'POCSO Act'). The applicant was aged around 18 years at the time of incident. It was alleged that the applicant/accused had sexually assaulted the victim. During trial, the victim had not supported the prosecution case qua sexual assault and hence the applicant was acquitted for offence under Section 376 of IPC.

**5.** The applicant is in custody for a period of about three years and nine months. The sentence imposed by the trial Court is four years.

**6.** Considering the aforesaid circumstances, the sentence of imprisonment can be suspended and bail can be granted to applicant.

**7.** Hence, I pass the following order:

### **ORDER**

- i.** Interim Application No. 950 of 2022 is allowed;
- ii.** During the pendency of Criminal Appeal No.288 of 2022, the sentence of imprisonment imposed vide Judgment and order dated 9<sup>th</sup> December, 2021 passed by learned Special Judge under POCSO Act, Pune in Special POCSO S.C. No. No.328 of 2018 is suspended and the applicant 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 is permitted to furnish cash bail in the sum of Rs.20,000/- 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.** Interim Application stands disposed of accordingly.

**(PRAKASH D. NAIK, J.)**