

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

**INTERIM APPLICATION NO. 465 OF 2020
IN
CRIMINAL APPEAL NO. 125 OF 2020**

Tushar Mohan Chavan ...Applicant/Appellant
Versus
State Of Maharashtra & Anr. ...Respondents

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Mr. Ramchandra N. Kachare, Advocate for the Applicant/Appellant

Mr. P. H. Gaikwad, APP for the Respondent No.1 – State.

Mr. Manas Ghavankar, Advocate for Respondent No.2.

**CORAM : PRAKASH D. NAIK, J.
DATE : 23rd MARCH, 2022.**

PER COURT:

1. Leave to amend the prayer clause of this application.
Amendment may be carried out forthwith.

2. This is an application for suspension of sentence and grant of bail during the pendency of Criminal Appeal No.125 of 2020.

3. The applicant has been convicted for offence punishable under Section 8 of Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') and sentenced to suffer three years rigorous imprisonment. He is also convicted for the offence under Section 354 of IPC and sentenced to suffer three

years rigorous imprisonment. Both the sentences were directed to run concurrently.

4. The applicant was on bail during the trial. On the date of conviction i.e. on 19th December, 2019, the trial Court had suspended the sentence of imprisonment for temporary period and granted bail to the applicant.

5. The applicant has surrendered to custody on 22nd March, 2022. Considering the fact that the sentence is of short term and also considering the fact that the applicant was on bail during the trial, the relief prayed in this application can be granted.

6. Hence, I pass the following order:

ORDER

- i. Interim Application No. 465 of 2020 is allowed;
- ii. During the pendency of Criminal Appeal No.125 of 2020, the sentence of imprisonment imposed vide Judgment and order dated 19th December, 2019 passed by learned Designated judge under POCSO Act, Sindhudurg-Oros in Special Case No.20 of 2019 is suspended and the 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;
- iii. The applicant is permitted to furnish cash bail in the sum of Rs.20,000/- for a period of eight 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 not cause any harassment to her.

vii. Interim Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)