

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1443 OF 2022

WITH

INTERIM APPLICATION NO. 1444 OF 2022

IN

CRIMINAL APPEAL NO. 475 OF 2022

Ajit Damodar Jadhav

... Applicant

V/s.

The State of Maharashtra And Anr.

... Respondents

Mr. Ankush N. Dhokale, for Applicant.

Mr. Ajay Patil, APP for Respondent No.1-State.

CORAM : A.S. GADKARI, J.

DATE : 5th July 2022.

PC. :

These are Applications for suspension of sentence and releasing the Applicant on bail.

2. Applicant has been convicted under Section 8 of the Protection of Children from Sexual Offences Act, 2012 (for short, "POCSO Act") and under Sections 354-A and 323 of the Indian Penal Code (for short, "IPC") and is sentenced to suffer maximum rigorous imprisonment of three years and to pay total fine of Rs.11,000/- by the learned Special Judge Under POCSO Act, Greater Mumbai, in POCSO Special Case No. 367 of 2015, by its Judgment

and Order dated 12th April 2022.

3. It is the allegation against Applicant that, on the date of incident, he initially beat the victim who was aged about 17 years and when she questioned about the said act of the Applicant, he touched her inappropriately. The victim narrated the said incident to her mother (PW.2) and her father. Thereafter they went to question Applicant about his said act upon which, it is alleged that, the Applicant assaulted them.

4. The maximum sentence imposed upon the Applicant is three year of rigorous imprisonment. Possibility of hearing the present Appeal on its own merits in near future is remote. Record reveals that, the Applicant was on bail throughout the trial and there is no report of breach of any of the conditions imposed upon him.

In view thereof, during the pendency of the present Appeal, the substantive sentence imposed upon the Applicant can be suspended and he can be released on bail.

6. Hence, the following Order :-

- (i) Applicant be released on bail in POCSO Special Case No. 367 of 2015, arising out of C.R. No. 458 of 2014 registered with Vakola Police Station, Mumbai, on his furnishing P.R. bond of Rs.25,000/- with one or two local sureties in the like amount.

- (ii) During the pendency of Appeal, Applicant is directed to attend Vakola Police Station, Mumbai, on every first Monday of the month initially for a period of 1 year and thereafter on every first Monday of every 3rd month, i.e. 4 times in a year.
- (iii) During the pendency of the Appeal, Applicant shall not contact first Informant or victim and threaten them.

7. Applications are allowed in the aforesaid terms.

[A.S. GADKARI, J.]