

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

**INTERIM APPLICATION NO.1956 OF 2021
IN
CRIMINAL APPEAL NO.639 OF 2021**

Bala @ Pradip Laxman Jadhav .. Applicant/Appellant
Versus
State of Maharashtra and Anr. .. Respondents

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Mr.Samyak K. Gimekar, Advocate for the Applicant/Appellant.

Mr.S.V. Gavand, APP for the Respondent No.1-State.

Mr.Sushan Mhatre, Advocate for Respondent No.2.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 15, 2022.

P.C. :

The Applicant herein has been convicted for offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and has been sentenced to undergo imprisonment for three years with fine of Rs.25,000/- i/d. to undergo simple imprisonment for 10 months. The Applicant has already deposited the fine amount.

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2 This Court has granted interim relief *vide* order dated 24th November, 2021, and released the applicant on interim bail on furnishing bail bond of Rs.10,000/-.

3 Learned counsel for the applicant submits that the applicant was on bail during the trial. The sentence is of short term.

4 Learned APP submitted that the applicant is convicted and there is evidence against him.

5 Learned counsel for respondent no.2 submitted that the offences are proved. There is sufficient evidence to convict. Except denial, defence has not demolished the prosecution case. There is presumption under Section 29 of POCSO Act.

6 The sentence is of short term. The applicant was on bail during the trial. The sentence was suspended by the trial Court on the date of conviction. This Court by order dated 24th November, 2021, has granted interim bail to the applicant. Considering all the aforesaid circumstances, the interim order granted by this Court vide order dated 24th November, 2021, can be confirmed and continued till the final disposal of the Appeal.

4 Hence, I pass the following order:

:: ORDER ::

- (i) Interim Application No.1956 of 2021, is allowed;

- (ii) During the pendency of Criminal Appeal No.639 of 2021, the interim order dated 24th November, 2021, shall continue, till the final disposal of Appeal;
- (iii) Interim Application No.1956 of 2021, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)