

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1625 OF 2022****IN****CRIMINAL APPEAL NO. 550 OF 2022**

Jitendra Nanu Ghute

... Applicant/Appellant

V/s.

The State of Maharashtra & Anr.

... Respondents

Ms.Pravada Raut i/b. Mr.Shailesh S. Redekar for Applicant/Appellant.
Mr.R.M. Pethe, A.P.P for Respondent No.1-State.

CORAM : A.S. GADKARI, J.**DATE : 13th June 2022.****PC. :**

1. This is an application for suspension of sentence and releasing the Applicant on bail.
2. Applicant is convicted under Section 354(A) of the Indian Penal Code and under Section 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and is sentenced to suffer rigorous imprisonment for six months and to pay a fine of Rs.5,000/- by the learned Additional Sessions Judge and Special Judge (POCSO), Thane in Special Case No.29 of 2018 by its Judgment and Order dated 25th March 2022.

3. Learned Advocate for the Applicant submitted that, the Applicant was on bail during the entire trial and there is no report of breach of any of the conditions imposed upon him. He further, on instructions, submitted that, the Applicant has already deposited entire fine amount in the Registry of the Trial Court.

4. As the maximum sentence imposed upon the Applicant is six months and the possibility of hearing the present Appeal on its own merits in near future is remote, the substantive sentence imposed upon the Applicant can be suspended and the Applicant can be released on bail.

5. Hence, the following Order :-

(i) Applicant/Accused be released on bail in C.R. No. 107 of 2017 registered with Jawhar Police Station, District Palghar on his furnishing PR. bond of Rs.25,000/- with one or two separate solvent local sureties in the same amount.

(ii) After his release from jail and till final disposal of present appeal, the Applicant is directed to attend Jawhar Police Station 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) Applicant shall not tamper or pressurise the prosecution witnesses for withdrawal or compromising the case lodged by the informant.

6. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]

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