

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1628 OF 2022

IN

CRIMINAL APPEAL NO. 554 OF 2022

Surendra Narayan Borkar ... Applicant/Appellant
V/s.
The State of Maharashtra & Anr. ... Respondents

Mr.Sachin Ramrao Pawar for Applicant/Appellant.
Mr.R.M. Pethe, A.P.P. for Respondent No.1-State.

CORAM : A.S. GADKARI, J.
DATE : 7th June 2022.

PC. :

1. This is an application for suspension of sentence and releasing the Applicant on bail.
2. Applicant is convicted under Section 8 of The Protection of Children from Sexual Offences (POCSO) Act, 2012 and Section 354-D (1)(i) of the Indian Penal Code (IPC) and is sentenced to suffer 3 years and 1 year of rigorous imprisonment and to pay a fine of Rs.10,000/- and Rs.5,000/- respectively on the said counts.
3. Mr.Pawar, learned Advocate for Applicant/Appellant submitted that, during the pendency of the trial, Applicant/Appellant was on bail and there is no report of commission of breach of any of the bail conditions

imposed upon him. He further submitted that, the Appellant has already deposited entire fine amount before the Trial Court.

4. As the maximum sentence imposed upon the Applicant is 3 years and the possibility of hearing the present Appeal on its own merits in near future is remote, this Court is of the view that, during the pendency of the Appeal, the substantive sentence imposed upon the Applicant can be suspended and he can be released on bail.

5. Hence, the following Order :-

- (i) Applicant/Accused be released on bail in C.R. No. 33 of 2018 registered with Shriwardhan Police Station, District Raigad, on his furnishing P.R. bond of Rs.50,000/- with one or two separate solvent local sureties in the same amount.
- (ii) The procedure of furnishing of P.R. bond and solvent local sureties be completed within a period of 12 weeks from today.
- (iii) Till the Applicant complies with the procedure of furnishing P.R. bond and solvent sureties as directed above, Applicant is permitted to deposit cash bail of Rs.50,000/- with the Trial Court.
- (iv) During the pendency of the appeal, the Applicant is directed to attend Shriwardhan 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, till final

hearing of present appeal.

- (v) 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.]

OMKAR
SHIVAHAR
KUMBHAKARN
Digitally signed
by OMKAR
SHIVAHAR
KUMBHAKARN
Date:
2022.06.09
10:48:44 +0530