

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO.1676 OF 2022****IN****CRIMINAL APPEAL NO. 572 OF 2022**

Santosh Dattatreya Mandavkar

.....Applicant

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Ms. Akshata B. Desai i/by Mr. Nitin Sejpal for the Applicant.

Mr. R.M. Pethe, APP for the Respondent No.1-State.

CORAM : A. S. GADKARI, J.**DATE : 10th JUNE, 2022.****P.C.:-**

This is an Application for suspension of sentence and releasing the Applicant on bail.

2 The Applicant has been convicted for the offence committed under Section 7 punishable under Section 8 of the Protection of Children From Sexual Offences Act, 2012 (for short, "*POCSO Act*") and is sentenced to suffer imprisonment for three years and to pay fine of Rs.50,000/-, by the learned Judge, Special Court, Mangaon, District Raigad in Special Case No.40 of 2020 by its Judgment and Order dated 13th May, 2022.

3 Learned Advocate for the Applicant submitted that, the Applicant was on bail during the pendency of trial and there is no report of

breach of any of the bail conditions imposed upon him. She further submitted that, the Applicant has already deposited fine amount in the Registry of the Trial Court.

4 Perusal of record indicates that, the Applicant took undue advantage of the situation, from which the prosecutrix/victim had passed, before coming into contact with the Applicant and thereafter inappropriately touched and hugged the prosecutrix in his car.

5 The sentence imposed upon the Applicant is imprisonment of three years. The possibility of hearing the present Appeal on its own merits in near future is remote. In view thereof, during the pendency of present Appeal the substantive sentence imposed upon the Applicant can be suspended and he can be released on bail.

6 Hence, the following Order:-

- (a) Applicant be released on bail in Special Case No.40 of 2020 arising out of C.R. No.47 of 2014 registered with Nagothane Police Station, District Raigad on his furnishing PR. bond of Rs.50,000/- with one or two solvent local sureties in the same amount.
- (b) After his release from jail and till final disposal of present Appeal, the Applicant is directed to attend Nagothane Police Station, District Raigad on every first Monday of the month initially for a period of one year

and thereafter on every first Monday of every 3rd month,
i.e. 4 times in a year.

- (c) During the pendency of the Appeal, Applicant shall not contact with the prosecutrix, tamper or pressurize the prosecution witnesses for withdrawal or compromising the case lodged by the informant.

7 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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by SANJIV
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