

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

***CRIMINAL INTERIM APPLICATION NO.1390 OF 2020
IN
CRIMINAL APPEAL NO.469 OF 2020***

Ramesh Manishsingh Rana ...Applicant.

Versus

The State of Maharashtra and Anr. ...Respondents

Mr. D. S. Manerkar i/b D. S. Manerkar and Associates, for the Applicant.

Ms. P. P. Shinde, A.P.P for the Respondent No.1 – State.

Mr. Rohit Yadav, for the Respondent No.2.

***CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.***

DATE : 28th JULY 2022

P.C. :

1. At the outset, learned counsel for the applicant seeks leave to amend to delete the name of the prosecutrix from the array of respondents and replace it with 'X'. Leave granted. Amendment to be carried out forthwith.

2. Heard learned counsel for the parties.

3. By this application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of the aforesaid appeal.

4. The applicant vide Judgment and Order dated 21st January 2020, passed by learned Additional District Judge – 1 (Special Judge), Vasai, in Spl.(POCSO) Case No. 54 of 2018, has been convicted for the offences punishable under Sections 376(2)(f)(i) of the Indian Penal Code and under Sections 4, 5(n)(p) r/w 6 and 8 of the Protection of Children from Sexual Offences Act ('POCSO Act'). For the offence punishable under Section 6 of the POCSO Act, the applicant has been sentenced to suffer imprisonment for life and with fine and hence no separate sentence has been awarded for the offences punishable under Sections 4 and 8 of the POCSO Act.

5. Perused the papers. The applicant is the grandfather of the prosecutrix (PW1). A perusal of the evidence of the prosecutrix shows that she has not supported her statement given before the police and hence was

declared hostile. The learned Judge has convicted the applicant only on the basis of the medical evidence i.e. of PW2 – Dr. Nidhi Kurkal.

6. Considering the fact that the prosecutrix has turned hostile and has not supported the prosecution case, we allow the application and accordingly suspend the sentence of the applicant and enlarge him on bail, pending the hearing and final disposal of his Appeal, on the following terms and conditions :-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- ii) The Applicant shall report to the trial Court, once in three months on the day/date specified by the trial Court, till his Appeal is finally disposed of;
- iii) The Applicant shall keep the trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;

iv) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. All concerned to act on the authenticated copy of this order.

SHARMILA U. DESHMUKH, J.

REVATI MOHITE DERE, J.