

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

**INTERIM APPLICATION NO.2065 OF 2021
IN
CRIMINAL APPEAL NO.683 OF 2021**

Juned Tabarak Choudhari .. Applicant/ Appellant

Versus

State of Maharashtra And Anr. .. Respondents

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Mr.Akshay Bankapur, Advocate for the Applicant/Appellant.

Mr.Arfa Sait, APP for the Respondent No.1-State.

Ms.Shradha Sawant, Advocate for Respondent No.2.

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CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 12, 2022.

P.C. :

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This is an application for suspension of sentence and grant of bail. The applicant is convicted for the offences punishable under Section 11 read with Section 12 of POCSO Act, and, sentenced to suffer rigorous imprisonment for three years. He is also convicted for the offence punishable under Section 341 of IPC, and, sentenced to suffer rigorous imprisonment for one month.

2 The sentence of imprisonment was suspended by the trial Court pursuant to the judgment of conviction to enable him to prefer Appeal before the higher Court.

3 Learned counsel for the applicant submitted that during the trial, the applicant was on bail and he has undergone the facility of bail. The sentence has been suspended by the trial Court after conviction. Learned counsel for the applicant submitted that the applicant would stay at the residence of his relative at Shantinagar, Makhmalabad, District-Nashik.

4 Learned APP submitted that the applicant was involved in C.R.No.185 of 2015, registered with Bhadrakali Police Station, Nashik for the offence punishable under Section 302 of IPC. The case has resulted in acquittal. However, during the pendency of the said case, he was involved in the present offence. He is also involved in C.R.No.120 of 2017 and 676 of 2019, for the offences punishable under Sections 323 and 324 of IPC, and, section 135 of Maharashtra Police Act. It is also submitted that the witnesses and the applicant are residing within the jurisdiction of Bhadrakali police station, Nashik.

5 Learned counsel for respondent no.2 supported submissions of learned APP. It is submitted that the victim and

the applicant are residing in the same vicinity i.e. within the jurisdiction of Bhadrakali police station, Nashik. In the event sentence of imprisonment is suspended, the applicant may be directed to stay out of the jurisdiction of Bhadrakali police station, Nashik

6 Considering the fact that the sentence of imprisonment is of three years, the applicant was on bail during the trial and the sentence has been suspended by the trial Court for a temporary period, on condition, the relief can be granted to the applicant in this application.

7 Hence, I pass the following order:

:: ORDER ::

- (i) Interim Application No.2065 of 2021, is allowed;
- (ii) During the pendency of criminal Appeal No.683 of 2021, the sentence of imprisonment awarded by Additional Sessions Judge and Special Judge (POCSO), Nashik, vide judgment and order dated 12th February, 2021, in Sessions Case (POCSO) No.121 of 2016, is suspended and the applicant/appellant is directed to be

released on bail on executing P.R. Bond in the sum of 20,000/-, with one or more sureties in the like amount;

- (iii) The applicant/appellant shall stay out of the jurisdiction of Bhadrakali Police Station, Nashik, till the decision in this Appeal;
- (iv) The applicant shall provide the details about his place of residence to the investigating officer and the trial Court while executing bail bond;
- (v) The applicant/appellant shall attend the trial Court once in six months on first Saturday of the month between 11:00 a.m. to 01.00 p.m.;
- (vi) In the event of two consecutive defaults in attending the trial Court, the said fact be brought to the notice of this Court;
- (vii) The applicant/appellant shall not contact the victim;
- (viii) Interim Application No.2065 of 2021, stand disposed of accordingly.

(PRAKASH D. NAIK, J.)