

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2868 OF 2021
IN
CRIMINAL APPEAL NO.965 OF 2021

Aniket Anant Kamble

Applicant

versus

The State of Maharashtra and another

Respondents

Mr.Vikas A. Tiwari, Advocate for applicant.

Ms.Meghna Goyalani, Advocate for respondent no.2.

Ms.P.N.Dabholkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 24th February 2022

PC :

1. The applicant has been convicted for the offence punishable under Section 8 of POCSO Act and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.10,000/-. He is also convicted for the offence punishable under Section 354 of IPC and sentenced to suffer rigorous imprisonment for two years and to pay fine of Rs.5,000/-. He was acquitted for the offence punishable under Section 328 of IPC. Although he is convicted for the offence punishable under Section 354-A of IPC, no separate sentence has been imposed. After the conviction the Trial Court has suspended the sentence of imprisonment for a temporary period by order dated 30th July 2021.

2. By order dated 12th January 2022 interim relief was granted to the applicant and till next date the sentence of imprisonment was suspended.

3. Considering the fact that sentence is of short term and in the light of issues involved in the application, interim relief is required to be confirmed. Hence, I pass following order :

ORDER

- (i) Interim Application is allowed and disposed of;
- (ii) The sentence of imprisonment imposed vide judgment and order dated 30th July 2021 by Special Judge under POCSO Act, Greater Bombay in POCSO Special Case No.177 of 2019 is suspended and the applicant is directed to be released on bail on executing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- (iii) The applicant shall attend Trial Court once in six months on First Saturday of the month till final disposal of the Criminal Appeal;
- (iv) In the event there are two consecutive defaults in attending the Trial Court, the Trial Court shall submit report to this Court;
- (v) In the event of default committed by the applicant in attending the Trial Court, the prosecution will be at liberty to prefer application for cancellation of bail.

(PRAKASH D. NAIK, J.)

MST