

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3012 OF 2021
IN
CRIMINAL APPEAL NO.1012 OF 2021

Pawan Bhaskar Adkar
versus
The State of Maharashtra and another

Applicant

Respondents

Adv.Babu Singh with Jigar Agarwal i/by Mr.Shyam Gawande,
Advocate for applicant.
Ms.Vrushali Maindad, Advocate for respondent no.2
Mr.S.V.Gavand, APP for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 22nd March 2022

PC :

1. This is an application for suspension of sentence and grant of bail during pendency of Criminal Appeal No.1012 of 2021.
2. The applicant has been convicted for offence under Section 354D of Indian Penal Code and under Section 12 of Protection of Children from Sexual Offences Act, 2012. He is sentenced to suffer imprisonment of one year and 6 months and fine of Rs.10,000/- for the offence under Section 12 of POCSO Act. No separate sentence is passed for the offence u/s.354D of IPC.
3. The prosecution case is that the victim was aged about 17 years at the time of incident whereas the accused was aged about 20 years. Both were residing in the same area. The accused had

approached the victim and expressed his love for her and told that he want to marry her. The victim refused his proposal. The accused used to stalk her. On 12th October 2018 accused again approached the victim and followed her. On account of the act of accused the victim consumed phenyle and she felt stomach pain. The sentence imposed by Trial Court is of short term. The applicant was on bail. On the date of conviction the sentence of imprisonment was suspended u/s.389 of Cr.P.C. This Court by order dated 9th December 2021 continued the order passed by Trial Court suspending the sentence.

4. Considering the aforesaid circumstances, sentence of imprisonment can be suspended pending appeal. Hence, I pass following order :

ORDER

- (i) Interim Application is allowed and disposed of;
- (ii) The sentence of imprisonment imposed by judgment and order dated 9th November 2021 by Additional Sessions Judge, Pune in Special Case (POCSO) No.535 of 2018 is suspended and 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 is permitted to furnish cash bail in the sum of Rs.20,000/- for eight weeks in lieu of sureties;
- (iv) The applicant shall not contact the victim in any manner;
- (v) The applicant shall attend Trial Court once in six months on First Saturday of the month till disposal of the Criminal Appeal;
- (vi) In the event there are two consecutive defaults in attending the Trial Court, the Trial Court shall submit report to this Court;

(vii) 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