

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

**INTERIM APPLICATION NO.3053 OF 2021
IN
CRIMINAL APPEAL NO.1018 OF 2021**

Sandip Ramlal Patil

.. Appellant

Versus

1) State of Maharashtra; and

2) Supriya Chaban Padhar (Thakare)
(Arrayed as Respondent No.2)

.. Respondents

.....

Mr.Manoj Mohite, Senior Advocate i/b. Mr.Jitendra Gaikwad,
Advocate for the Applicant/Appellant.

Mrs.M.M. Deshmukh, APP for the Respondent – State.

Ms.Manisha Deokar, Advocate for Respondent No.2.

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CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 4, 2022.

P.C. :

The applicant is convicted for the offence punishable under Section 67A of the Information Technology Act (“IT Act”, for short) and sentenced to suffer rigorous imprisonment for five years, and, to pay fine of Rs.6,00,000/-, vide judgment and order dated 30th November, 2021, passed by the learned Sessions Judge Pune in Sessions Case No.438 of 2011. He was also convicted for the offence punishable under Section 292(1)(2)(a) of IPC, and

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sentenced to suffer rigorous imprisonment for two years and to pay fine of Rs.2,000/-. Both the sentences were directed to run concurrently.

2 On conviction, the applicant is taken in custody and presently he is undergoing sentence of imprisonment.

3 Advocate for the applicant submitted that the appellant has challenged the judgment of conviction before this Court. The applicant was acquitted for the offences punishable under Sections 376 and 420 of IPC. The applicant was on bail during trial. He has not misused the facility of bail. Finding of the trial Court reflected at paragraph 84 in the impugned judgment indicate that there is no evidence in respect of uploading the videos by the accused himself. Though there is no path found by IP address that the accused is the host for publishing said videos on website, internet. There are no antecedents against the applicant. The maximum sentence imposed by the trial Court is imprisonment of five years. The Appeal may not come up for final hearing immediately. Learned APP submitted that the offence is of serious nature. On account of the overtact of the applicant, the videos were published on the Website internet. Considering the factual aspects, the trial Court imposed fine of Rs.6,00,000/-.

4 Learned counsel for respondent no.2 reiterated the submission of the learned APP. It is contended that considering the seriousness of the offence, bail may not be granted to the applicant. He was instrumental in uploading the objectionable photographs/video on Website , internet.

5 I have perused the evidence. It is noted that the applicant has been convicted for the offence under Section 67A of IT Act and Section 292(1)(2)(a) of IPC. The maximum sentence awarded by the learned trial Judge is for a period of five years. The applicant has been acquitted for the offence under Sections 376 and 420 of IPC. Learned counsel for the applicant had submitted that the fine amount of Rs.6,00,000/-, and, Rs.2,000/-, would be deposited in this Court within a period of four weeks from today. The judgment of trial Court indicate that the relationship was consensual in nature. Both of them were in love relationship. The Appeal may not appear for final hearing within short span of time. The applicant was on bail during the trial. There is no report indicating that he has misused the facility of bail.

6 Considering the aforesaid circumstances, the sentence of imprisonment imposed upon applicant can be suspended and bail can be granted to him.

7 Hence, I pass the following order:

:: ORDER ::

- (i) Interim Application No.3053 of 2021, is allowed;
- (ii) Pending the hearing and final disposal of Criminal Appeal No.1018 of 2021, the sentence of imprisonment imposed on applicant vide Judgment and order dated 30th November, 2021, passed by Additional Sessions Judge, Pune in Sessions Case No.438 of 2011, is suspended and the applicant is directed to be released on bail on executing P.R. Bond in the sum of Rs.50,000/-, with one or more sureties in the like amount;
- (iii) Applicant is permitted to furnish cash bail security of Rs.50,000/-, for a period of eight weeks from today, in lieu of surety;
- (iv) Applicant shall deposit entire fine amount before trial Court, within four weeks;
- (v) Interim Application No.3053 of 2021, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)