

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

**INTERIM APPLICATION NO.3406 OF 2021
IN
CRIMINAL APPEAL NO.1058 OF 2021
WITH
INTERIM APPLICATION NO.3407 OF 2021
IN
CRIMINAL APPEAL NO.1058 OF 2021**

Samson Rahul Wankhede

.. Applicant/ Appellant

Versus

State of Maharashtra and Anr.

.. Respondents

Mr.Vinay Bhanushali a/w. Mr.Suhail Shariff, Mr.Sameer Sharif i/b. Ms. Falcon Legal, Advocate for the Applicant/Appellant.

Ms.P.N. Dabholkar, APP for the Respondent – State.

Mr.Shantanu R. Phanse i/b. Mr.Swapnil R. Chopade, Advocate for Respondent No.2.

Mr.Sachin Shelke, PI, Bandra Police Station, Mumbai, present.

CORAM : PRAKASH D. NAIK, J.

DATED : MARCH 02, 2022.

P.C. :

These Applications are preferred by the applicant/appellant for suspension of sentence and grant of bail during the pendency of criminal Appeal No.1058 of 2021.

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2 The applicant has been convicted for the offence 8 of POCSO Act, and, sentenced to undergo rigorous imprisonment for

three years. He is also convicted for the offence punishable under Section 354 of IPC and sentenced to suffer rigorous imprisonment for one year. For the conviction under Section 354-A, no separate has been imposed. For the conviction under Section 12 of POCSO Act, the applicant has been sentenced to undergo imprisonment for one year.

3 The applicant was on bail during the trial. The sentence of imprisonment has been suspended by the trial Court on the day of conviction. This Court, by order dated 12th January, 2022, has extended the interim protection granted by the trial Court.

4 Learned counsel for the applicant/appellant submitted that the sentence is of short term. He has good case on merits.

5 Learned APP and learned counsel for the complainant/victim submits that the offence is proved. In the event the Court allows this application, stringent condition may be imposed to secure the complainant/victim.

6 Considering the fact that the sentence is of short term, the applicant was on bail during the trial. Hence, the sentence was suspended by the trial Court on the day of conviction. On certain

conditions, the sentence of imprisonment can be suspended and Appeal can be granted to the applicant.

7 Hence, I pass the following order:

:: ORDER ::

- (i) Interim Application Nos.3406 of 2021 and 3407 of 2021, are allowed;
- (ii) The sentence of imprisonment imposed by judgment and order dated 30th November, 2021, passed by the Special Judge under POCSO Act, Greater Bombay, in Special Case No.191 of 2016, is suspended and the applicant is directed to be released on bail on executing P.R.Bond in the sum of Rs.20,000/-, with one or more sureties in the like amount;
- (iii) Applicant/appellant is permitted to furnish cash bail security of Rs.20,000/-, for a period of ten weeks, in lieu of surety;
- (iv) The applicant/appellant shall attend the trial Court once in six months on first Saturday of the month, till the disposal of Appeal;

- (v) In the event there are two consecutive defaults in attending the trial Court, the said fact may be brought to notice of this Court, and, in such eventuality, the prosecution/complainant/victim is at liberty to move an application for cancellation of bail;
- (vi) Applicant shall not cause any harassment to the victim/complainant. He shall not approach her. ;
- (vii) He shall not visit the vicinity of the residence of the victim, till final disposal of the Appeal;
- (viii) Interim Application Nos.3406 of 2021 and 3407 of 2021, stand disposed of accordingly.

(PRAKASH D. NAIK, J.)