

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

**INTERIM APPLICATION NO. 7 OF 2022
IN
CRIMINAL APPEAL NO. 1 OF 2022**

1. Sanjay Sudam Sonwane
2. Sachin Sudam Sonwane ...Applicants/Appellants
Versus
The State Of Maharashtra And Anr. ...Respondents

....

Mr. Vishwanath S. Talkute, Advocate for the Applicants/Appellants.

Mr. Yashpal Thakur, Advocate for Respondent No.2.

Mr. S. V. Gavand, APP for the Respondent – State.

**CORAM : PRAKASH D. NAIK, J.
DATE : 26th APRIL, 2022.**

PER COURT:

1. This is an application for suspension of sentence and grant of bail during the pendency of Criminal Appeal No.1 of 2022 preferred by the applicants challenging the judgment and order dated 15th February, 2020 passed by learned Special Judge, Pune under Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act').

2. The applicant No.1 is convicted for offences punishable under Sections 354-A r/w Section 34 of Indian Penal Code (for short "IPC") and sentenced to undergo rigorous imprisonment for one year and fine of Rs.1,000/-. He is also

convicted for offence punishable under Section 504 of IPC and sentenced to undergo imprisonment of six months and pay fine of Rs.500/-. The applicant No.2 is convicted for offence punishable under Section 354-A of IPC as well as offence punishable under Section 8 of POCSO Act. He has been sentenced to undergo rigorous imprisonment of three years.

3. The sentence of imprisonment was suspended by the trial Court on the date of conviction for stipulated period in accordance with Section 389 of Code of Criminal Procedure. Since the time stipulated while suspending the sentence is over, the learned counsel for the applicants on instructions has submitted that the applicants have surrendered before the trial Court on 25th April, 2022. The statement is accepted.

4. The sentence is of short term. The applicants were on bail during the trial. There is no adverse report about misuse of facility of bail. The sentence was suspended on the date of conviction. The applicants have surrendered before the trial Court. The learned counsel for applicants have urged that there are discrepancies in evidence. Considering these circumstances, the relief as prayed in this application can be granted.

5. Hence, I pass the following order:

ORDER

- i.** Interim Application No. 7 of 2022 is allowed;
- ii.** During the pendency of Criminal Appeal No.1 of 2022, the sentence of imprisonment imposed vide Judgment and order dated 15th February, 2020 passed by learned Special Judge, Pune under POCSO Act in Special Sessions Case No.105 of 2014 is suspended and the applicants are directed to be released on bail on executing PR. Bond in the sum of Rs.20,000/- each with one or more sureties in the like amount;
- iii.** The applicants are permitted to furnish cash bail in the sum of Rs.20,000/- each for a period of eight weeks in lieu of surety.
- iv.** The applicants shall attend the trial Court once in six months on first Saturday of the month till the final disposal of the appeal;
- v.** In the event, there are two consecutive defaults in attending the trial Court, the said fact may be brought to the notice of this Court and in such eventuality, the prosecution will be at liberty to prefer an application for cancellation of bail.

- vi.** The applicants shall not cause any harassment to the victim and her family members.
- vii.** This order is subject to the fact that the applicants have surrendered before the trial Court.
- viii.** Interim Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)