

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1477 OF 2019
IN
CRIMINAL APPEAL NO.1643 OF 2019

Deepak Bhikuram Salavi

Applicant

versus

The State of Maharashtra

Respondent

Mr.Prashant C. Mohite i/by Ms.Vaishali G. Mane, Advocate for applicant.

Ms.S.V.Sonawane, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 4th April 2022

PC :

1. This is an application for suspension of sentence and grant of bail during pendency of Criminal Appeal No.1643 of 2019.

2. The applicant has been convicted vide judgment and order dated 5th October 2019 passed by learned Special Judge under POCSO Act, Greater Mumbai in POCSO Special Case No.223 of 2015 for offence under Section 354 of Indian Penal Code and sentenced to suffer rigorous imprisonment for one year. He is also convicted for the offence u/s. 509 of IPC and sentenced to suffer rigorous imprisonment for one year. Both the sentenced were to run concurrently.

3. The sentence of imprisonment was suspended by Trial Court on 5th October 2019 in accordance with Section 389 of Cr.PC for a stipulated period.

4. The impugned judgment and order was challenged before this Court by preferring appeal which has been admitted.

5. Learned counsel for applicant, on instructions, submit that applicant had surrendered before Trial Court today and he has been taken in custody. Considering the fact that applicant was on bail during trial and sentence of imprisonment is of short term, the applicant may be released on bail by suspending sentence of imprisonment and grant of bail. The applicant has good case on merits.

6. Learned APP submitted that applicant has been convicted on the basis of evidence adduced before Trial Court.

7. Considering the factual aspects as stated above this application can be allowed.

ORDER

- (i) Interim Application is allowed and disposed of;
- (ii) The sentence of imprisonment imposed by judgment and order dated 5th October 2019 passed by learned Special Judge under POCSO Act, Greater Mumbai in POCSO Special Case No.223 of 2015 is suspended and applicant is directed to be released on bail on executing PR bond in the sum of Rs.15,000/- with one or more sureties in the like amount;
- (iii) The applicant is permitted to furnish cash bail in the sum of Rs.15,000/- for a period of ten weeks in lieu of sureties;
- (iv) The applicant shall not approach the victim and harass her;
- (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