

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

**INTERIM APPLICATION NO. 1045 OF 2023
IN
CRIMINAL APPEAL NO. 311 OF 2023**

Pradip Nagnath Hulle ... Applicant
Versus
The State of Maharashtra and Anr. ... Respondents

.....
Mr. Vikrant V. Phatate, for the Applicant.
Mr. A. R. Kapadnis, APP, for the Respondent No.1-State.
Mr. Mainak Adhikari, Appointed Advocate, for the Respondent
No.2.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 4th JULY, 2023.

P.C.

This is an application for suspension of sentence pending the Appeal.

2 The applicant came to be convicted by Special POCSO Court, Solapur, of an offence punishable under Section 8 of the POCSO Act and has been sentenced to suffer rigorous imprisonment for three years alongwith fine of Rs.5000/- and in default, simple imprisonment for three months.

3 At the outset, learned Counsel for the applicant submits that the sentence awarded is only for three years and there is no likelihood of getting the Appeal disposed of in near future. Secondly, the applicant was on bail during trial. He has not misused the liberty granted during the pendency of the case. The nature of evidence, especially in the form of testimony of the victim as well as her mother reveals that when the victim, who was aged about nine years and had been to the shop of the applicant to buy milk, he pulled her hand and made her to sit on his thigh. He thereafter touched the private part of the victim by removing her half pant.

4 Learned Counsel representing the victim objects release of the applicant on bail pending the appeal in view of the fact that the applicant did commit the offence under Section 8 of the POCSO Act and therefore, his release may not be safe for the victim. Learned APP also echoed in the same voice.

5 Considering the fact that the sentence awarded is only for three years and that there was no misuse of liberty by the applicant during the trial, no fruitful purpose would be served in detaining the applicant behind the bars till the appeal is heard finally on

merits. Learned APP, on instructions, submits that there are no antecedents. Even the victim, of late, has not been residing in the same vicinity.

6 Considering the aforesaid aspects, the execution of the sentence needs to be suspended pending the appeal by imposing certain conditions. As such, following order is passed.

ORDER

- i) Pending the hearing and disposal of the Criminal Appeal, the applicant be released on furnishing a P. R. bond in the sum of Rs.15,000/- with one or two sureties in the like amount to the satisfaction of the Registrar (Judicial) of this Court.
- ii) The applicant shall attend Jodbhavi Police Station on every Saturday between 10:00 to 12:00 a.m. until further orders.

7 Application stands disposed of in the aforesaid terms.

[PRITHVIRAJ K. CHAVAN, J.]