

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

**INTERIM APPLICATION NO. 547 OF 2023
IN
CRIMINAL APPEAL NO. 219 OF 2023**

Jitendrakumar Rajendraprasad Singh ...Applicant/Appellant
Versus
The State of Maharashtra And Anr. ...Respondents

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Mr. Kanhaiya S. Yadav a/w Mr. Govind J. Prajapati, Advocate for the Applicant/Appellant.

Mr. Shailesh Kharat, Advocate for Respondent No.2.

Ms. Pallavi N. Dabholkar, APP for the Respondent No.1 – State.

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CORAM : PRAKASH D. NAIK, J.
DATE : 22nd JUNE, 2023.

PER COURT:

1. The applicant is convicted for offences punishable under Sections 363 & 354 of Indian Penal Code (for short “IPC”) as well as Section 12 of the Protection of Children from Sexual Offences Act, 2012 (for short ‘POCSO Act’). He has been sentenced to suffer imprisonment for three years.

2. The applicant was on bail during the trial. On the date of conviction, the sentence was suspended by the trial Court in accordance with Section 389 of Cr.P.C. till the appeal period. Subsequently, vide order dated 17.02.2023, interim relief was

granted to the applicant by suspending the sentence and granting bail till the next date of hearing. The interim relief was extended thereafter and it is in operation.

3. Learned Advocate for the applicant submitted that the sentence is of short term. The appeal would not come up for hearing immediately. The prosecution case suffers from serious discrepancies.

4. Learned A.P.P. and learned Advocate for Respondent No.2 submitted that the charge against the applicant has been proved. The applicant was involved in outraging the modesty of the victim girl were minor.

5. The sentence is of short term. The applicant was on bail during the trial and after the conviction, the sentence has been suspended for a temporary period. Considering the aforesaid circumstances and the grounds urged in the appeal, the interim relief granted by this Court vide order dated 17.02.2023 is required to be confirmed. Hence, I pass the following order:

ORDER

- i. Interim Application No. 547 of 2023 is allowed;
- ii. Interim order dated 17.02.2023 is confirmed.

iii. During the pendency of Appeal, the substantive sentence of imprisonment imposed vide Judgment and order dated 10.11.2022 passed by the learned Extra Joint Special Judge, under POCSO Act, Gr. Mumbai, in POCSO Special Case No.340 of 2018 is suspended and the applicant is directed to be released on bail on executing PR. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount;

iv. Interim Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)