

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1089 OF 2023
IN
CRIMINAL APPEAL NO.333 OF 2023

Bhimashankar Revansiddha Birajdar	Applicant
versus	
The State of Maharashtra and another	Respondents

Ms.Seema S. Dighe h/for Mr.P.G.Sarda, Advocate for Applicant.
Ms.Supriya Kak, Advocate for Respondent no.2.
Mrs.Anamika Malhotra, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 20th July 2023

PC :

1. This is an application for suspension of sentence and grant of bail during pendency of Appeal No.333 of 2023.
2. Applicant has been convicted vide judgment and order dated 31st January 2023 for the offence u/s.12 of Protection of Children from Sexual Offences Act and sentenced to suffer imprisonment for one year. He is also convicted for offence u/s.506 of IPC and sentenced to suffer imprisonment for 3 months. Although the applicant is convicted for offence under Section 354-D, no separate sentence is imposed as he is convicted under Section 12 of POCSO Act.
3. Advocate for Applicant submitted that sentence is of short term. Applicant was on bail during trial. He has not misused the facility of bail. The appeal may not come up for hearing immediately.
4. Learned APP and learned advocate for Respondent no.2

submitted that Applicant has been rightly convicted by Trial Court. Applicant was harassing the victim girl by following her.

5. The sentence imposed by Trial Court is of short term. The appeal would not come up for hearing immediately. Applicant was on bail during trial. He has not misused the facility of bail. Sentence of imprisonment was suspended on the date of conviction. Case for suspending of sentence and grant of bail is made out.

ORDER

- (i) Interim Application is allowed and disposed off;
- (ii) The substantive sentence imposed vide judgment and order dated 31st January 2023 by Additional Sessions Judge (Special POCSO), Solapur in Special Case No.179 of 2018 is suspended during pendency of Criminal Appeal, and Applicant is directed to be released on same bail as directed by Trial Court with fresh bail bonds;
- (iii) Applicant shall not harass the victim.

(PRAKASH D. NAIK, J.)

MST