



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

**INTERIM APPLICATION NO.1476 OF 2023
IN
CRIMINAL APPEAL NO.464 OF 2023**

Charudatta Ravindra Borole
Age : 35 Years, occ. Teacher
R/o. C-304, Sangam Complex,
Chickenghar, Kalyan (West), Dist.Thane
at present Mumbai Central Prison ... Applicant/Appellant

Versus

1. State of Maharashtra
(Copy to be served on G.P. of
High Court Bench at Aurangabad)

2. XYZ

Age 33 years.

Through Sion Police Station

C.R. No.49 of 2016

... Respondents

Mr. Rohit P. Patwardhan for the Applicant/Appellant.

Mr. A.R. Patil, APP for Respondent No.1-State.

Ms. Manisha A. Devkar for Respondent No.2.

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 8 NOVEMBER 2023

P.C.

1. This is an application for suspension of sentence and grant of bail during the pendency of the Criminal Appeal preferred by the Applicant is challenging the judgment and order of conviction.

2 Applicant is convicted by Special Judge, under POCSO Act, Mumbai in POCSO SPECIAL CASE NO.224 OF 2016 under Section 235 (2) of the Code of Criminal Procedure, 1973, in Crime No.49/2016, registered by Sion Police Station, Mumbai, for the offence punishable u/s 10 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment for five years and to pay fine of Rs.3,000/-.

3 Application is vehemently opposed by learned APP for Respondent No.1-State and Ms. Manisha Devkar for Respondent No.2.

4 Perused the record. Sentence imposed upon Applicant is a short term sentence and the appeal preferred by the Applicant/Appellant is not likely to be heard in the near future. It is stated at Bar by learned Counsel for Applicant/Appellant that Appellant's services are already terminated. In that view of the matter, the apprehension of 2nd Respondent that he may harass the victims, who are four in number, is not well founded. No exceptional circumstances are there on record to deny relief to the Applicant. In the light of decision of the Apex Court in the case of **Bhagwan**

Rama Shinde Gosai and Ors. Vs. State of Gujrat¹, the Applicant deserves to be released on bail. Hence, the following Order :

- (i) Interim Application is allowed.
- (ii) Substantive sentence of imprisonment imposed vide judgment and order dated 14th February 2023 in POCSO Special Case No.224 of 2016 is suspended during the pendency of the Appeal.
- (iii) Applicant-Charudatta Ravindra Borole be released on bail on executing PR bond in the sum of Rs.15,000/- with one surety in the like amount.
- (iv) Applicant-Charudatta Ravindra Borole shall attend the concerned Police Station twice in a month on 1st Sunday between 10.00 to 12.00 noon., until further orders.
- (v) Applicant shall furnish his permanent address as well as present address to the concerned police station along with copy of his Aadhar Card and Cell number/s.

(NITIN B. SURYAWANSHI, J.)

¹(1999) SCC (Cri.) 553