



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1187 OF 2023
IN
CRIMINAL APPEAL NO.802 OF 2022

Sagar @ Sandip Mahadeo Nikam

.... Applicant /
Appellant

Versus

State of Maharashtra and anr.

.... Respondents

.....

Mr. Prashant S. Hagare a/w Mr. Kuldeep Patil for the Applicant.

Mr. Pranav P. Badheka for the Respondent No.2

Mr. A.R. Patil, Addl. P.P. for the Respondent – State.

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CORAM : NITIN B. SURYAWANSHI, J

DATED : 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 challenging the judgment and conviction.

2. Applicant is convicted by the Additional Sessions Judge, at Baramati in Special POCSO Case No.134 of 2019 for the offence punishable under Sections 9 and 10 of the Protection of Children from Sexual Offence Act, 2012 and sentenced to suffer rigorous imprisonment for seven years and to pay fine of Rs.10,000/- and in default to suffer rigorous imprisonment for six months.

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3. Heard learned counsel for the Applicant, learned Addl. P.P. for the Respondent - State and learned counsel for the Respondent No.2.

4. Perused the record. Admittedly, the sentence imposed on the applicant is short term sentence. Apart from that out of seven years of maximum sentence, he has already undergone more than four years and four months by now. A statement is made that the fine amount is already deposited in the trial Court.

5. Learned counsel for the second respondent and learned Addl. P.P. for the respondent - State have vehemently opposed the Application on the ground that the applicant has committed a serious offence and the victim is a minor and residing in the same village. Therefore, they prayed that the applicant may not be released on bail.

6. Considering the fact that the applicant has already undergone four years and four months of imprisonment out of seven years, and the appeal preferred by the applicant is not likely to be heard in near future, the applicant deserve to be released on bail. Hence the following order :-

- (i) Interim Application is allowed.
- (ii) Substantive sentence of imprisonment imposed

on the applicant vide judgment and order dated 22 December 2021 in Special POCSO Case No.134 of 2019 is suspended during the pendency of the Appeal.

- (iii) Applicant - Sagar @ Sandip Mahadeo Nikam be released on bail on executing PR bond in the sum of Rs.25,000/- with one surety in the like amount.
- (iv) Applicant shall not in any manner contact the victim or the prosecution witnesses of the present crime.
- (v) Applicant shall attend the concerned police station once in a month on first Sunday between 10.00 am to 12.00 noon.
- (vi) Applicant shall furnish residential address proof and cell number to the concerned police station.

(NITIN B. SURYAWANSHI, J.)