



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

**INTERIM APPLICATION NO.1540 OF 2022
IN
CRIMINAL APPEAL NO.515 OF 2022**

Vivek Shankar Dinde ... Applicant
Versus
The State of Maharashtra
And Others ... Respondents

Mr. Umesh R. Mankapure a/w Ms. Bhavika Shinde for the Applicant.

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

Mr. Ganesh Shelar for Respondent Nos.2 and 3. (Appointed by HCLAS).

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 25 OCTOBER 2023

P.C.

. 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 The Applicant is convicted by the Additional Sessions Judge, Kolhapur designated as Special Court under the Protection of Children from Sexual Offences Act, 2012 in Special POSCO Case No.93 of 2019, and sentenced to suffer rigorous imprisonment for 10

years and to pay fine of Rs.5,000/-.

3 Heard learned Counsel for the Applicant, learned APP for Respondent No.1-State and learned Counsel for Respondent No.2 and

3. Perused the record.

4. Learned Counsel appearing for the Applicant has assailed the impugned conviction, contending that there is material inconsistency in evidence of the prosecution and role attributed to the Applicant is that he had taken Accused No.1 and the victim in his vehicle to the flat, where the prostitution racket was being run. He further submits that accused No.4-lady, against whom similar allegations are leveled is released on bail by this Court.

5. Learned APP appearing for Respondent No.1-State as well as learned Counsel appearing for Respondent Nos.2 and 3 vehemently opposed the bail application, contending that there is sufficient material on record to sustain the conviction of the Applicant. It is further submitted that C.R. No.10 of 2017 at Rajarampuri Police Station, Kolhapur is registered against the Applicant under Section 160 of the Indian Penal Code.

6 *Prima facie*, there appears substance in the contention of the Applicant that the only role played by him appears to be that the Applicant had taken accused and victim in his vehicle to the flat, where the prostitution racket was being run. It is true that the Applicant is husband of accused No.1. Criminal Appeal is already admitted and it is not likely to be taken for final hearing in near future. Applicant is in custody since 3rd August 2019 and has undergone substantial part of sentence. Applicant has thus made out a case for suspension of his sentence. Hence, the following Order :

- (i) Interim Application is allowed.
- (ii) Substantive sentence of imprisonment imposed vide judgment and order dated 6 April 2022 in Special POCSO Case No.93 of 2019 is suspended during the pendency of the Appeal.
- (iii) Applicant-Vivek Shankar Dinde be released on bail on executing PR bond in the sum of Rs.15,000/- with one surety in the like amount.
- (iv) Applicant shall deposit fine amount, if not already deposited.
- (v) Applicant shall attend the concerned Police Station twice in a month on 1st and 3rd Monday between

10.00 a.m. to 12.00 noon., until further orders.

- (vi) Applicant shall furnish his permanent address as well as present address to the concerned Police Station along with copies of his Aadhar Card and Cell number/s.

(NITIN B. SURYAWANSHI, J.)