

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

**INTERIM APPLICATION NO.2136 OF 2023
IN
CRIMINAL APPEAL NO.671 OF 2023**

Pritesh Subhash Ghadshi ...Applicant
VS.
State of Maharashtra and Anr. ...Respondents

Mr. Yogesh Dalvi, Advocate for the Applicant.
Ms. Manisha Devkar, Appointed Advocate for the Respondent
No.2.
Mr. S.R. Agarkar, APP for Respondent - State.

**CORAM :S. M. MODAK, J.
DATE : 11th DECEMBER**

2023

P. C. :-

1. Heard learned Advocate for the Applicant, learned APP and learned Advocate appointed for Respondent No.2.
2. There is a conviction for the offence punishable under Section 354, 354(A), 354(D), 506(II) and 326(B) of IPC and under Sections 8 and 12 of the POCSO Act. The R.I. is for three years and fine of Rs.5,000/-. Amount of fine is not deposited. The trial Court has suspended the sentence during the expiration of the Appeal period with condition to submit fresh bail bond. It is on page 62 dated 3rd May 2023.

3. This Court on 3rd July 2023 continued the order of suspension passed by the trial Court and subsequently also. When Police tried to serve Respondent No.2, it was found that Respondent No.2 has changed the address and they are reluctant to accept any notice. It was told by brother of the victim to the Police. The report is marked as Annexure "X". As per the order dated 20th September 2023, Ms. Manisha Devkar is appointed to assist Respondent No.2 with a direction not to establish any contact either with the victim or the complainant.

4. Learned Advocate for the Applicant apprised me about the matter and it is submitted that the victim of the Applicant were knowing each other and in fact, they were in love with each other, however, at that time, victim has not completed 18 years of age. His father has not deposed in favour of the prosecution.

5. In view of that, suspension order can be continued in the following manner:--

- (i) The substantive sentence is suspended during the pendency of the Appeal on furnishing Personal Bond and Surety Bond of Rs.15,000/- with fresh surety before the trial Court;
- (ii) To deposit an amount of Rs.5,000/- before the trial

Court within four weeks from today.

6. Interim Application is disposed of.

[S. M. MODAK, J.]