



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

**INTERIM APPLICATION NO.2543 OF 2023
IN
CRIMINAL APPEAL NO.794 OF 2023**

Arvind Waman Gholap ... Applicant
Versus
The State of Maharashtra
And Another ... Respondents

Ms. Shubhangi Parulekar for the Applicant.

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

Mr. Mandar Soman for Respondent No.2.

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 30 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 Applicants challenging the judgment and conviction.

2 Applicant is convicted by the Additional Sessions Judge, at Pune in Spl. Case No.783 of 2021 under Section 235 (2) of the Code of Criminal Procedure, 1973 for the offence punishable under Section 7, punishable under Section 8 of the Prevention of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous

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

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

4 Perused the record. Admittedly, the sentence is a short term sentence and the appeal preferred by the Applicant/Appellant is not likely to be heard in near future. Till now, applicant has undergone substantive sentence. 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 Gujrat**¹, 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 29th April 2023 in Spl. Case No.783 of 2021 is suspended during the pendency of the Appeal.
- (iii) Applicant – Arvind Waman Gholap be released on

¹(1999) SCC (Cri.) 553

bail on executing PR bond in the sum of Rs.15,000/- each with one surety in the like amount.

- (iv) Applicant-Arvind Waman Gholap shall attend the concerned Police Station once in a month on first 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 trial Court along with copies of his Aadhar Card and Cell number/s.

(NITIN B. SURYAWANSHI, J.)