

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

**INTERIM APPLICATION NO. 3924 OF 2023
IN
CRIMINAL APPEAL NO. 1018 OF 2023**

Sandesh Balaram Durge ...Applicant
vs.
The State of Maharashtra and Anr. ...Respondents

Mr. Vishal D. Khetre - Advocate for the Applicant through VC

Mr. Prashant V. Nayak - Appointed Advocate for the
Respondent No. 2.

Mr. S. R. Agarkar - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 12th DECEMBER, 2023

P. C. :-

1. Heard learned Advocate for the Applicant-Appellant, learned APP, learned Advocate for Respondent No. 2-first informant. He is not supplied with the papers. Let Applicant to supply him the papers. The appeal is already admitted. Considering the fact that out of one year rigorous imprisonment he has undergone three months and few days, his appeal can be taken up for early final hearing once record will be received.

2. There is conviction for the offence under Section 354-D of

the Indian Penal Code and under Section 11 punishable under Section 12 of the Protection of Children from Sexual Offences Act. The amount of the fine is already deposited before the trial Court. The trial Court has suspended the sentence during the period of the appeal.

3. The Applicant is aged about 24 years old. His counsel has pointed out various inconsistencies in the prosecution evidence. He assures to attend hearing of the appeal. He has already undergone three months and few days rigorous imprisonment out of one year.

4. Hence following Order:-

Order

(i) During pendency of the appeal, substantive sentence be suspended on furnishing Personal bond and Surety bond in sum of Rs. 15,000/-.

5. Interim application is accordingly disposed of.

6. Criminal Appeal No. 1018 of 2023 be kept on **20th February, 2024.**

[S. M. MODAK, J.]