



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 654 OF 2024
IN
CRIMINAL APPEAL NO. 161 OF 2024

Parmeshwar Ranganath Rojekar
Age: 21 years, Occ: Labour,
R/o Pimpalgaon Sarai,
Tq. Chikhali, Dist. Buldhana.

... Applicant

Versus

1. The State of Maharashtra

2. X.Y.Z.

... Respondents.

...
Mr. Pawan Kumar Ashruba Salve, Advocate for Applicant.
Mr. S. M. Ganachari, APP for Respondent – State.
Mr. Jitendra S. Jain, Advocate for Respondent No.2 (Appointed)

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 07 MARCH 2024

ORDER :

1. This is an application for suspension of sentence awarded by the learned Extra Joint District Judge & Additional Sessions Judge (POCSO), Jalna in Special Case No. 98 of 2021 as well as for grant of bail during pendency of appeal filed before this court against judgment and order dated 21.10.2023.

2. It is submitted that, there is false implication. Charge was for offence punishable under section 354 of IPC and section 8 read with section 7 of Protection of Children from Sexual Offences

Act, 2012 (POCSO Act). That, prosecution had adduced testimony of 07 witnesses. There was no convincing evidence. Afterthought allegations are readily accepted by learned trial Judge and therefore said judgment is taken exception to by filing appeal. That, during trial appellant was on bail. There is good case on merits. However, as much more time would be required to decide the appeal and the quantum of sentence barely of three years, hence, it is prayed that, sentence be suspended and applicant be granted bail during pendency of appeal.

3. Learned counsel for victim as well as learned APP opposed the application submitting that, offence is serious. He is likely to misuse the liberty.

4. Heard both sides. Here is an application for suspension of sentence and grant of bail. Upon trial, it seems that, appellant/applicant stood convict for offence punishable under section 8 of POCSO Act and was sentenced by trial judge to suffer rigorous imprisonment for three years and to pay fine. Fine is said to be paid. Applicant was said to be on bail during trial.

5. Considering the allegations, quantum of sentence and as appeal is of 2024, obviously it takes long time to be heard and

decided, relief of suspension of sentence and grant of bail deserves to be granted. Hence, I proceed to pass the following order :-

ORDER

- (i) Criminal Application stands allowed.
- (ii) The substantive sentence imposed on the applicant Parmeshwar Ranganath Rojekar in Special Case No.98 of 2021 by the learned Extra Joint District Judge & Additional Sessions Judge (POCSO), Jalna on 21.10.2023 stands suspended till the final hearing and disposal of Criminal Appeal No.161 of 2024.
- (iii) The applicant be released on P.R. Bond of Rs.15,000/- (Rs. Fifteen thousand only) with two solvent sureties in the like amount.
- (iv) The applicant shall not commit any criminal activity.
- (v) The applicant shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the appeal, commencing from the date he tenders bail papers and thereafter, the trial Judge to fix dates for their subsequent appearances.
- (vi) In case of two consecutive defaults on the part of the applicant to remain present before the trial

Court, the trial Court to inform this Court about the same and in that eventuality, the prosecution would be at liberty to file an application for cancellation of the bail granted to the applicant.

(vii) Bail before the trial Court.

(ABHAY S. WAGHWASE, J.)