

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.269 OF 2024
IN
CRIMINAL APPEAL NO.458 OF 2021

Kalpesh Haresh Tailor

: Applicant/ Org. Accused No.4

Vs.

The State of Maharashtra

Through the Senior Inspector of Police

Nayanagar Police Station & Anr.

: Respondents

Adv. K. K. Holambe Paitl, a/w Adv. Vishal G. Shirsat, for the Applicant.

Mr. A. R. Patil, APP for the State.

Adv. Sushan Mhatre appointed for the Respondent No.2.

CORAM : KISHORE C. SANT, J.

DATE : 4TH MARCH, 2024

PC. :

1. This Application is filed seeking suspension of sentence and release of the Applicant on bail, mainly on the ground that as of 31st December, 2023 the Applicant has undergone imprisonment of total 7 years 1 month & 14 days. The maximum sentence awarded is 10 years for the offence punishable under Section 376.

2. Learned Advocate for the Applicant submits that the Appeal is of 2021 and may not come up for hearing in near future. He submits that

considering holidays, remission etc., Applicant has suffered 75% of sentence almost and is entitled to bail. Though the earlier Application is rejected, considering the period of imprisonment, it is prayed for suspension of sentence by releasing him on bail.

3. This Court finds that the Applicant has suffered more than 75% of the sentence. There are no criminal antecedent pointed out. The Appeal is not likely to be heard in future. This Court is therefore inclined to allow the Application in spite of resistance by the learned APP and learned Advocate for the Respondent No.2. Hence the following order.

ORDER

- a) The Application is allowed.
- b) The sentence awarded by the learned Additional Sessions Judge, Thane by judgment and order dated 30th January, 2021 in Special Case (POCSO) No.6 of 2018 stand suspended.
- c) Applicant shall be released on bail on furnishing PR. bond in the sum of Rs.15,000/-, and one or more solvent sureties in the like amount.
- d) Applicant shall mark his presence before the concerned Police Station once in two months i.e. on every Sunday

as per the convenient time of the Police Station Incharge.

- e) Applicant shall not try to contact the victim or any persons from her family and witnesses.
- f) Applicant shall keep informed the concerned Police Station about his residential address, mobile number etc. and other contact details till the final disposal of the Appeal.
- g) Applicant shall keep informed about any change in above mentioned contact details immediately to the concerned Police Station.
- h) The Application stands disposed of.

(KISHORE C. SANT, J.)