

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.463 OF 2024
IN
CRIMINAL APPEAL NO.105 OF 2024

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Anil Ashok Mote ..Applicant
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. Prakash Pujari a/w Ajit Patil, for the Applicant.
Mr. A. R. Patil, APP for the Respondent/State.
Ms. Sheetal Pakhare i/by Nisha Gaikwad, for the Respondent No.2.
Mr. Chetan Mane, IO, Islampur Police Station, Sangli – present.

CORAM : KISHORE C. SANT, J.

DATE : 10th APRIL, 2024

PC.

1. Heard.

2. This Application is for suspension of sentence. Applicant is sentenced to suffer 5 years imprisonment and to pay fine of Rs.5000/-, in default to suffer 3 months imprisonment for the offence punishable under Sections 354, 354A of IPC and Section 10 of POCSO Act. Learned advocate submits that in this case, a sentence is short sentence. He relies on the judgment of ***Bhagwan Rama Shinde Gosai & Ors. Vs. State of Gujarat*** reported in (1999) 4 ***SCC 421***. He further submits that the Appeal is not likely to be heard in near future. Applicant was on bail during trial and there is no misuse of liberty.

3. Learned advocate for the Respondent No.2 vehemently opposes the Application stating that the Applicant is convicted for offence under POCSO Act which is serious in nature. She further states that the victim and the accused are residing in same locality and if the Applicant is released on bail, it will have adverse impact over the prosecutrix.

4. Learned APP also opposes the Application.

5. However, considering the sentence is short sentence and the Appeal is not likely to be heard in near future, this Court is inclined to allow the Application on certain conditions. Hence, the following order :-

- i) The Application stands allowed.
- ii) The substantive sentence awarded by learned Additional Sessions Judge, Islampur dated 03.01.2024 in Special Case No.45 of 2023 for the offence punishable under Section 354, 354A of IPC and Sections 10 and 12 of POCSO Act stands suspended.
- iii) Applicant be released on bail on furnishing PR bond and one solvent surety in the sum of Rs.15,000/-.
- iv) Applicant shall not enter the jurisdiction of Islampur Police Station till pendency of the Appeal except for attending the Police Station once in a month i.e. on every Sunday between 11:00 a.m. to 01:00 p.m.

- v) Applicant shall furnish contact details including his mobile number etc. to the concerned Police Station. If there is any change in the contact details, same be immediately informed to the concerned Police Station.
 - vi) Applicant shall not contact the victim or any of the witnesses.
6. The Application stands disposed of.

[KISHORE C. SANT, J.]