

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

INTERIM APPLICATION NO. 718 OF 2024

IN

CRIMINAL APPEAL NO. 169 OF 2024

Rahul Devraj Khandekar

... Applicant

Vs.

The State of Maharashtra & Anr.

... Respondents

Adv. Tohid Shaikh, i/by Adv. Anjali Patil, for the Applicant.

Mr. A. R. Metkari, APP for State.

Adv. Sujeet R. Bugade, for the Respondent No. 2, appointed through legal aid.

CORAM : KISHORE C. SANT, J.

DATE : 15th APRIL, 2024

P.C.:-

1. Heard the parties. This Application is moved for suspension of sentence as awarded by Special Judge under POCSO Act, 2012, Greater Bombay, in POCSO Special Case No. 692 of 2019, dated 30th January, 2024.

2. The Applicant is held guilty for the offences punishable under Section 10 of the POCSO Act, 2012 and sentenced to suffer rigorous imprisonment for 5 years and to pay fine of Rs. 10,000/-, in default, to undergo further simple imprisonment for 1 month and for offence punishable under Section 12 of the POCSO Act, 2012 he is sentenced to suffer rigorous imprisonment for 2 years and to pay fine of Rs. 3,000/-, in

default, he shall undergo further simple imprisonment of 15 days.

3. The learned Advocate for the Applicant submits that during the trial the Applicant was not on bail. He was arrested on 26th September, 2019, and since then he is in jail. He submits that thus out of 5 years of sentence the Applicant has already suffered more than 4 years and 6 months and even now there is no chance the appeal be heard as the appeal is of 2024. He thus prays for suspension of sentence.

4. Learned APP and the learned Advocate for the Respondent No. 2 vehemently oppose the Application. They submit that the Trial Court has rightly convicted the Applicant merely because most of the part of sentence is completed there is no reason to grant bail looking to the allegations against the Applicant.

5. This Court is not considering the Application on merits. The Court is considering the Application only on the ground of completion of sentence of more than 4 years and 6 months out of sentence of 5 years and the fact that this Appeal is not likely to be heard in near future and even before completion of the sentence. Hence the following Order.

ORDER

- a) The Application stands allowed.
- b) The sentence awarded by the learned Special Judge under POCSO Act, 2012 Greater Bombay, in POCSO Special Case No. 692 of 2019, dated 30th January, 2024, shall stand

suspended.

c) The Applicant shall be released on bail on furnishing

P. R. bond and solvent surety in the sum of Rs. 15,000/-.

d) The Applicant shall furnish residential address and contact details including his mobile number etc., to the concerned Police Station.

e) Applicant shall keep informed about any change in above mentioned contact details immediately to the concerned Police Station.

f) The Applicant shall not enter into the jurisdiction of Shivajinagar Police Station. Till the Appeal is decided the Applicant shall not contact the Victim or any of the witnesses.

g) The Interim Application stands disposed of.

(KISHORE C. SANT, J.)