

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

**INTERIM APPLICATION NO.365 OF 2020
IN
CRIMINAL APPEAL NO.103 OF 2020**

Bharat Bhima Dagale ..Applicant/Appellant
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. Rohit Gorade, for the Applicant/Appellant.
Ms. Priyanka H. Chavan, for the Respondent No.2.

CORAM : KISHORE C. SANT, J.

DATE : 2nd FEBRUARY, 2024

PC.

1. This Application is filed seeking suspension of sentence awarded by the learned Additional Sessions Judge, Niphad in Sessions Case No.21 of 2014 dated 31st December, 2019. Applicant/Appellant is held guilty for the offences punishable under Sections 354-A, 354-D, 323, 504, 506 of the IPC and Sections 8 and 12 of the POCSO Act. The highest sentence imposed is three years for the offences punishable under Sections 8 and 12 of the POCSO Act with fine of Rs.1000/- and Rs.3000/- respectively and in default to suffer further rigorous imprisonment for six months. Applicant/Appellant is further sentenced to suffer rigorous imprisonment of one year for the offence punishable under Section 323 of the IPC. For the offence punishable under Section 504 of IPC, he is sentenced to undergo rigorous imprisonment for two years and to pay fine of Rs.1000/- and in default to suffer further rigorous imprisonment for six

months. For the offence under Section 506 of the IPC, he is sentenced to suffer three years rigorous imprisonment and to pay fine of Rs.5000/- and in default to suffer further rigorous imprisonment for six months.

2. Thus, the maximum punishment of three years is awarded. Though the Application filed by the Applicant/Appellant in Sessions Court for suspension was allowed, later on 9th April, 2023, he surrendered and thereafter he has filed this Application.

3. Considering that the sentence is short sentence and fine amount is already deposited, Application stands allowed. Sentence awarded by learned Additional Sessions Judge, Niphad in Sessions Case No.21 of 2014 for the offences punishable under Sections 354-A, 354-D, 323, 504, 506 of the IPC and Sections 8 and 12 of the POCSO Act stands suspended.

4. Applicant/Appellant be released on bail on furnishing PR bond and solvent surety in the sum of Rs.25,000/-.

5. Applicant/Appellant shall keep informed the concerned Police Station about his address and other contact details till pendency of the Appeal.

6. With this, the Application stands disposed of.

[KISHORE C. SANT, J.]