

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

**INTERIM APPLICATION NO.1324 OF 2024
IN
CRIMINAL APPEAL NO.330 OF 2024**

Annu @ Rhushikesh Subhash Dhotre : Applicant
Vs.
The State of Maharashtra : Respondent

Mr. Amit Ichan, for the Applicant.
Mr. B. V. Holambe Patil, APP for the State.
PSI Mr. Puresh C. Chalke, Chaturshingi Police Station, Pune City- is
present.

CORAM : KISHORE C. SANT, J.

DATE : 4TH APRIL, 2024

PC. :

1. At the outset Applicant seeks leave to amend the prayer Clause of the Application by incorporating the particulars of the judgment and putting the Sections for which is convicted.
2. Leave granted.
3. Amendment to be carried out forthwith.
4. This Court has already passed an order in the Appeal, issue notices to the Respondents, returnable three weeks. Notice is waived by the Learned APP for the Respondent/State.

5. This Application is placed by the learned Advocate for orders today stating that the Applicant is in jail since last more than two & half years out of sentence of five years. This Court is therefore inclined to hear the Application today.

6. The Applicant is held guilty for the offences punishable under Sections 354, 354-A of the Indian Penal Code and Section 10 read with 9(m)(n) and Section 12 of the POCSO. The maximum sentence awarded is Five years and to pay fine of Rs.3,000/- and in default to suffer S.I. for 1 month for the offence punishable under Section 10 of the POCSO. For the offence punishable under Section 12 of POCSO he is directed to suffer R.I. for Three years and to pay fine of Rs.1,500/- in default to suffer S.I. for 15 days. For the offence under Section 354 of IPC is directed to suffer R.I. for 1 year and to pay fine of Rs.1,500/- in default to suffer S.I. for 15 days.

7. Learned Advocate for the Applicant submits that the Applicant was taken in custody on 18th July, 2021 and since then he is in jail. Applicant has thus completed more than half sentence out of Five years. He further submits that even on merits the Applicant has no case of acquittal. This Court has gone through the evidence to see *prima facie* case. This Court is inclined to allow the Application with some conditions, hence the following order.

ORDER

- a) The Application stands allowed.
- b) The judgment & Order of sentence dated 23rd January, 2024 passed by the Learned Special Judge under POCSO Act, Pune in Special Case No.663 of 2021, stands suspended, pending the Appeal.
- c) For the present four weeks the Applicant to be released on bail on cash security only. The Applicant has furnished the regular bail within that period.
- d) The Applicant shall be released on bail on furnishing PR. bond and solvent surety in the sum of Rs.15,000/-, subject to condition of depositing the fine amount in the Trial Court within 15 days.
- e) The Applicant shall not enter in the jurisdiction of Chaturshingi Police Station, Pune.
- f) The Applicant shall not try to contact in any way to victim or any person from her family in any manner.
- g) The Applicant shall keep informed concerned Police Station about his residential address, mobile number etc. and other contact details till the final disposal of the Appeal.

- h) The Applicant shall keep informed about any change in above mentioned contact details immediately to the concerned Police Station.
- i) The Application stands disposed of.

(KISHORE C. SANT, J.)