



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

**INTERIM APPLICATION NO. 2353 OF 2023
IN
CRIMINAL APPEAL ST. NO.10441 OF 2023**

SANDIP RAJENDRAKUMAR JAISWAL ..APPLICANT
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Mr. Salim Ahmed Shaikh, for the Applicant.
Ms. Sangeeta D. Shinde, APP for the State.
Ms.Yugandhara Khanwilkar, for Respondent No.2.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 29, 2024

P.C. :

1. This is an application for suspension of sentence and for bail.
2. For the offence punishable under sections 363 of the Indian Penal Code and under section 8 of the Protection of Children from Sexual Offences Act, 2012, the trial Court has convicted the applicant to undergo simple imprisonment of three years and fine of Rs.5,000/-. The fine amount has been paid.
3. The application for suspension of bail is opposed by learned APP and learned counsel for the respondent no.2. It is submitted that offence alleged is serious and that from

the materials on record, the trial Court has correctly come to the conclusion that the victim is a minor. Further on the basis of the statement of the victim and other materials on record and after appreciating the evidence, the trial Court convicted the applicant. It is submitted that the applicant should not be enlarged on bail also on the ground that he is residing in the same vicinity as that of the victim and therefore, there is every possibility of the applicant threatening the victim if enlarged on bail.

4. The conviction is for a period of 3 years simple imprisonment. The period of pre-trial custody and post conviction custody undergone by the applicant is more than one and half years. The appeal is not likely to be heard soon. In this view of the matter, I am inclined to suspend the sentence. The applicant was on bail during the trial. There is nothing on record that the applicant has misused the liberty while on bail. Hence the following order.

ORDER

(a) The application is allowed.

(b) The sentence imposed by the trial Court vide judgment and order dated 01/04/2023 in Special Case No.511 of 2018 is accordingly suspended.

(c) The applicant-Sandip Rajendrakumar Jaiswal is enlarged on bail on his furnishing P.R. Bond of Rs.10,000/- with one or more sureties in the like amount.

(d) The applicant is permitted to furnish cash bail surety in the sum of Rs. 10,000/- for a period of 6 weeks in lieu of surety.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(f) The applicant shall not enter the jurisdiction of Tilaknagar police station during the pendency of the appeal.

5. The application is disposed of.

6. I appreciate the valuable assistance rendered by Ms.Yugandhara Khanwilkar, the learned Advocate, who appeared on behalf of the respondent No.2 at my request in this proceeding and assisted the Court. Her engagement be regularized by the Legal Services Authority.

(M. S. KARNIK, J.)