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

**INTERIM APPLICATION NO.2508 OF 2023
IN
CRIMINAL APPEAL NO.784 OF 2023**

RAHUL GULAB JADHAV

..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR.

..RESPONDENTS

None for the applicant.

Mr. S. H. Yadav, APP for the State-respondent No.1.

Adv. Aditi Naikare for respondent No.2.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 12, 2024.

P.C. :

1. This is an application for suspension of sentence and bail.

2. I have heard learned APP for the respondent No.1 and Advocate Aditi Naikare for respondent No.2-victim. Learned counsel opposed the application for suspension of sentence and enlarging the applicant on bail as the trial Court has for cogent reasons convicted the applicant under Sections 354-D of the Indian Penal Code, 1860 and under Section 12 of the Protection of Children from Sexual Offences Act, 2012

and sentenced to suffer rigorous imprisonment for one year. This Court had continued the sentence that was suspended by the trial Court. In view of the order dated 12.12.2023, with the assistance of learned APP and learned counsel for respondent No.2, I have gone through the materials on record. The appeal is not likely to be heard any time soon. Considering the short sentence and in the facts and circumstances of the present case I am inclined to suspend that sentence and enlarge the applicant on bail. The applicant was on bail during the trial. There is nothing on record to demonstrate that the applicant has misused his liberty while he was on bail during the trial. Hence, the following order :-

ORDER

- (a) The sentence is suspended.
- (b) The applicant-Rahul Gulab Jadhav shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.

(c) The applicant shall report to the trial Court once in a year, i.e. first Monday of the concerned month, between 11.00 a.m. and 1.00 p.m. commencing March 2024.

(d) On being released on bail, the applicant shall furnish his contact number and residential address to the Trial Court as well as the Investigating Officer and shall keep them updated, in case there is any change.

3. The interim application is disposed of in the above terms.

4. I express my gratitude for the able assistance rendered by the Advocate Aditi Naikare who appeared on behalf of respondent No.2 in opposing the application.

(M. S. KARNIK, J.)