



Diksha Rane

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

**INTERIM APPLICATION NO.3644/2023
IN
CRIMINAL APPEAL NO.1105/2023**

SANJAY @ SHANKAR KESHAR SINGH ..APPLICANT

VS.

THE STATE OF MAHARASHTRA & ANR. ..RESPONDENTS

Adv. Roohita Shaikh a/w. Adv. Anil Nile i/b. Adv. Javed Shaikh
for the applicant.

Mr. B. B. Kulkarni, APP for the State.

Adv. Siddharth Pitale for the respondent no.2 (complainant).

CORAM : M. S. KARNIK, J.

DATE : MARCH 6, 2024.

P.C. :

- 1.** Heard learned counsel for the applicant, learned APP for the State and learned counsel for the respondent no.2.
- 2.** This is an application for suspension of sentence and bail.
- 3.** The applicant is convicted vide judgment and order dated 17/7/2023 for the offence punishable under Section 11 of the Protection of Children from Sexual Offences Act, 2012 (hereafter 'POCSO Act' for short) and is sentenced to suffer rigorous imprisonment for the period of six months

and to pay fine of Rs.5000/- and in default of payment of fine to suffer simple imprisonment for 50 days.

4. Learned APP for the State and learned counsel for the respondent no.2 opposed the application for suspension of sentence and for enlarging the applicant on bail. It is submitted that for the cogent reasons the trial Court has convicted the applicant. My attention is invited to the relevant portion of the judgment especially paragraphs 21 and 22 to demonstrate that the findings of the trial Court do not justify enlarging the applicant on bail.

5. I have perused the judgment and order of the conviction passed by the trial Court. The applicant was in custody from 12/8/2018 to 3/10/2018 during the pendency of the trial. While on bail before the trial Court, there is nothing on record to indicate that the applicant has misused the liberty. The fine amount has been paid. Considering the short sentence and as the appeal which has been admitted, is unlikely to be heard soon, the sentence imposed by the trial Court vide order dated 17/7/2023 is suspended. The applicant be enlarged on same bail as before the trial Court but with fresh bonds.

6. The applicant shall report to the trial Court once in a year, on first Monday of the concerned month, between 11.00 a.m. to 1.00 p.m., commencing April, 2024.

7. The application is disposed of.

8. I appreciate the valuable assistance rendered by Advocate Siddharth Pitale, who appeared on behalf of respondent No.2 in this proceeding. His engagement may be regularized by the Maharashtra State Legal Services Authority.

(M. S. KARNIK, J.)