



Diksha Rane

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

**INTERIM APPLICATION NO.3916 OF 2023
IN
CRIMINAL APPEAL NO.1185 OF 2023**

MAHESH KISHOR JADHAV ..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Adv. S. D. Jadhav a/w. Adv. S. S. Kharat for the applicant.

Smt. Sangeeta D. Shinde, APP for the State.

Adv. Chaitrali Deshmukh for the respondent no.2.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 26, 2024.

P.C. :

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel appointed through legal aid to represent the respondent no.2.

2. This is an application for suspension of sentence and bail. The applicant is convicted for the offence punishable under Section 363, 354-A(1)(i) of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and to pay fine. So also, the applicant is also convicted for the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to

suffer rigorous imprisonment for three years and to pay fine.

3. The application is opposed by learned APP for the State and learned counsel for the respondent no.2.

4. My attention is invited to the judgment and order of the trial Court. It is submitted that the order is well considered order. It is submitted that for cogent reasons the trial Court was of the opinion that the accused is guilty of the offence. It is submitted that the applicant has committed the acts with the victim who was 15 years of age. The maximum sentence for which the applicant is convicted is three years.

5. The appeal is not likely to be heard during this period. The applicant was on bail during the trial. There is nothing to indicate that the applicant has misused this liberty while on bail. The applicant have undergone four months of pre-trial custody. The trial Court has granted him set off.

6. In the facts and circumstances of the present case, since the appeal which has been admitted, is not likely to be heard soon, the sentence imposed by the trial Court is suspended and the applicant be enlarged on same bail as before the trial Court with fresh bonds.

7. 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.

8. The application is disposed of.

9. I appreciate the valuable assistance rendered by Advocate Chaitrali Deshmukh who appeared on behalf of respondent No.2 in this proceeding. Her engagement may be regularized by the Maharashtra State Legal Services Authority.

(M. S. KARNIK, J.)