

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.4435 OF 2023

IN

CRIMINAL APPEAL NO.1327 OF 2023

Anil Madhavrao Kharote : Applicant

Vs.

The State of Maharashtra & Ors. : Respondents

Adv. Satyajeet P. Dighe, for the Applicant.

Mrs. M. R. Tidke, APP for the State.

Adv. Sandeep Bhupat Satkar, for the Respondent Nos.2 to 4.

CORAM : KISHORE C. SANT, J.

DATE : 6TH MARCH, 2024

PC. :

1. Heard the Application.
2. By way of this Application the Applicant is praying for suspension of sentence and release on bail in connection with the judgment and order passed by learned Special Judge (POCSO) and Additional Sessions Judge, Nashik, dated 30/10/2023 in Special Case (POCSO) No. 23 of 2022.
3. By way of impugned judgment and order the Applicant is held guilty for the offences punishable under Section 354 of the Indian Penal

Code,1860 and Sections 8 & 10 of the POCSO Act, 2012. He is directed to suffer to punishment as given below.

Sr. No.	Sections	Punishment	Fine Amount
1.	354 of IPC	3 years	Rs.1,000/-, in default, to undergo S.I. for six months.
2.	8 of POCSO Act	3 years	Rs.2,000/-, in default, to undergo R.I. for six months.
3.	10 of POCSO Act	5 years	Rs.2,000/-, in default, to undergo R.I. for one year.

4. The sentences are directed to run concurrently.

5. Learned Advocate vehemently argued that the maximum sentence is only 5 years and to pay fine of Rs.2,000/-. The Applicant has already deposited fine amount on the date of the judgment. He was on bail during the trial. There is no complaint of misuse of the liberty. There is no likelihood of the Appeal being taken up for final disposal in near future.

6. Learned Advocate for the Respondent Nos.2 to 4 vehemently opposed the Application stating that the allegations are serious. Applicant has sexually assaulted three minors. If he is released on bail, that may affect the victim girls & society.

7. Learned APP submits that no sympathy need to be shown by

the Court. Applicant has committed a crime under POCSO. Out of 3 victims, 2 victims were below 10 years and it would not be desirable to release the Applicant on bail.

8. This Court finds that sentence is a short sentence. The Applicant is of 62 years of age as there is no complaint of misuse of the liberty. Applicant was in jail for 84 days during the trial. He is again taken in custody on 30/10/2023. For more than 10 months he is in jail.

9. Considering the above this Court is inclined to allow the Application. Hence the following order.

ORDER

- a) The Application is allowed.
- b) The sentence awarded by the judgment and order passed by learned Special Judge (POCSO) and Additional Sessions Judge, Nashik, dated 30/10/2023 in Special Case (POCSO) No.23 of 2022 stands suspended.
- c) Applicant shall be released on bail on furnishing PR. bond and solvent surety in the sum of Rs.15,000/-.
- d) Applicant shall furnish contact details including his mobile number etc. to the concerned Police Station.
- e) Applicant shall keep informed about any change in

above mentioned contact details immediately to the concerned Police Station.

- f) The Application stands disposed of.

(KISHORE C. SANT, J.)