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

**INTERIM APPLICATION NO.4514 OF 2023
IN
CRIMINAL APPEAL NO.1347 OF 2023**

NILESH TANAJI BHOSALE

..APPELLANT

VS.

THE STATE OF MAHARASHTRA AND ANR.

..RESPONDENTS

Adv. Kalyani M. Mangave for the appellant.

Ms. Megha S. Bajoria, APP for the State.

Adv. Anandini Fernandes for respondent No.2.

PSI Mane, Miraj Rural Police Station.

CORAM : M. S. KARNIK, J.

DATE : APRIL 1, 2024

P.C. :

- 1.** Heard learned counsel for the applicant, learned APP for the State and learned counsel for respondent No.2.
- 2.** This is an application for suspension of sentence and bail.
- 3.** The application is opposed by learned APP and Adv. Fernandes who I had requested to assist this Court in representing the respondent No.2. Learned counsel for respondent No.2 while opposing the application submitted that the trial Court by a well considered findings on the

basis of proper appreciation of the evidence convicted the applicant for the serious offence under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (hereafter "POCSO Act", for short).

4. Learned counsel for the applicant made a statement on instructions that the applicant is not residing in the same area/locality where the victim resides. Further a statement is made on instructions that the applicant will not enter the area/locality where the victim is residing. The statement is accepted.

5. The maximum of the sentence imposed for the offence for which the applicant is convicted is three years rigorous imprisonment. The fine amount has been paid. The applicant was on bail during the trial. The applicant was in pre-trial custody for 75 days. There is nothing on record to indicate that the applicant has misused his liberty while on bail. The appeal is not likely to be heard any time soon. Considering the short sentence and as the applicant was on bail during trial, in the facts and circumstances of the present case I am inclined to suspend the sentence and

enlarge the applicant on same bail as before the trial Court 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 May, 2024.

7. The application is disposed of.

8. I appreciate the valuable assistance rendered by Advocate Anandini Fernandes who appeared on behalf of respondent No.2 at my request.

(M. S. KARNIK, J.)