

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 117 OF 2024
IN
CRIMINAL APPEAL NO. 919 OF 2021

Sundarraaj S. Devendra ...Applicant/Appellant
V/s.

The State of Maharashtra & Anr. ...Respondents.

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Mr. Tohid Shaikh i/b Ms Anjali Patil for the Applicant.
Ms R.D. Humane, APP for the Respondent/State.
Ms Rupali Shinde, Appointed Advocate for Respondent No.2

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CORAM : N.R. BORKAR, J.
DATE : 03.09.2025.

P.C. :

1. By this application, the applicant is seeking suspension of sentence and grant of bail during pendency of the above appeal filed by him against the judgment and order dated 21st October 2021 passed by the learned Special Judge, Greater Bombay in POCSO Special Case No. 187 of 2017, by which the learned Special Judge has convicted the applicant for the offence punishable under Section 6 of the Protection of Children from Sexual Offences Act, 2012 (for short "POCSO Act") and sentenced him to suffer rigorous imprisonment for a term of 10 years and to pay fine for Rs.10,000/-.

2. I have heard learned advocate for the applicant, the learned APP for the respondent/State and learned counsel for the respondent No.2/victim.

3. Leaned counsel for the applicant submits that till date the applicant has undergone actual imprisonment of 8 years and 6

months and approximately 9 years and 7 months with remission. It is submitted that considering the pendency of criminal appeals, the appeal filed by the applicant is not likely to be taken up for final hearing in near future. It is submitted that as the applicant has already undergone substantial sentence, the sentence imposed by the trial Court may be suspended and the applicant be released on bail.

4. On the other hand, learned APP for the respondent/State and learned counsel for respondent No.2/victim submit that considering the nature of conviction, the sentence may not be suspended.

5. The fact that till date the applicant has undergone approximately 9 years and 7 months with remission is not disputed. In that view of the matter, I am inclined to suspend the sentence and release the applicant on bail. In the result, the following order is passed:

ORDER

- a] The Application is allowed.
- b] The substantive sentence imposed by the trial Court upon the applicant by the judgment and order dated 21st October 2021 in POCSO Special Case No.187 of 2017 is hereby suspended during pendency of the appeal.
- c] The applicant shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

[N.R.BORKAR, J.]