

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

CRIMINAL INTERIM APPLICATION NO. 2169 OF 2024
(For Suspension)
WITH
CRIMINAL INTERIM APPLICATION NO. 2168 OF 2024
(for Bail)
IN
CRIMINAL APPEAL NO. 575 OF 2024

Melwin Stanley Pitter

.... Applicant

Versus

The State of Maharashtra and Anr.

.... Respondents

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Mr. Sachhidanand Dalvi, Advocate for the Applicant.

Mr. Prasanna P. Malshe, APP, for the Respondent – State.

Mr. Sunil Kamble, PSI (Pairavi), Agripada Police Station, Mumbai – Present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 23rd APRIL, 2025.

P.C. :

1. By these applications, the Applicant is seeking suspension of sentence and bail during the pendency of appeal filed by the Applicant.

2. The Applicant has been convicted by the Special Judge Under POCSO Act, 2012 Gr. Bombay, for the offence under Section

235(2) of the Code of Criminal Procedure for committing offence punishable under Sections 506 and 509 of the Indian Penal Code, 1860 and sentenced to suffer undergo simple imprisonment for six months and to pay a fine of Rs.500. The Applicant has been convicted for the offence punishable under Section 12 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to undergo simple imprisonment eighteen months and pay fine of Rs.1,000/-.

3. It is contention of learned counsel for the Applicant that the trial Court has granted bail and suspended his sentence till during the appeal period. During the trial, the Applicant was on bail and has not misused the liberty. Hence, requested to allow the application.

4. Learned APP for the Respondent – State strongly objected to allow the application.

5. I have heard both learned counsel.

6. The sentence imposed on the Applicant is short terms sentence. The trial Court has granted bail to the Applicant and suspended his sentence during the appeal period. During the trial, the Applicant was on bail and has not misused the liberty. It may

take time to dispose of the appeal.

7. In view of the above, the Applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of the appeal, on the following terms and conditions.

ORDER

- i. The substantive sentence imposed on the Applicant in Special Case No.121 of 2020, in terms of order dated 18th April, 2025 passed by the learned Special Judge, Under POCSO Act, Gr. Bombay, till final disposal of the appeal.
- ii. The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
- iii. The bail bond to be furnished before the trial Court.
- . Criminal Interim Applications stand disposed of.

8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)