

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL INTERIM APPLICATION NO. 3635 OF 2024
IN
CRIMINAL APPEAL NO. 671 OF 2024

Mahadeo Janardhan Jagtap Applicant

Versus

The State Of Maharashtra (p.s.o.) And Anr. Respondent

Mr. Santosh Sanjkar, Advocate for the Applicant.

Mr. Prashant P. Jadhav, APP, for the Respondent – State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 24th MARCH, 2025.

P.C. :

1. By this application, the Applicant is seeking suspension of sentence.

2. The Applicant has been convicted for the offence punishable under Section 235(2) of the Code of Criminal Procedure, for the offence under Section 7 punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 (for short “POCSO Act”) and sentenced to suffer Imprisonment for the period of three years and to pay fine amount of Rs.20,000/-. The Applicant has been convicted for

the offence punishable under Section 342 of the Indian Penal Code, 1860 (for short “IPC”) and sentenced to undergo Imprisonment for the period of six months. The Applicant has been convicted for the offence punishable under Section 354 of the Indian Penal Code, 1860 (for short “IPC”). However, no separate sentence is passed, as the accused is convicted and sentenced for the offence under Section 7 punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012.

3. It is contention of learned counsel for the Applicant that the trial Court has granted bail and suspended his sentence. During the trial, the Applicant was on bail. Hence, requested to allow the application.

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

5. I have heard both learned counsel.

6. Considering the submission of both learned counsel as well as sentence imposed on the Applicant is short term sentence. The trial Court has granted bail to the Applicant and suspended his sentence. During the trial, the Applicant was on bail. 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, and I pass following order:-

ORDER

i. 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.

ii. The bail bond to be furnished before the trial Court.

Interim Application stands disposed of.

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

(SHIVKUMAR DIGE, J.)