

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

***CRIMINAL INTERIM APPLICATION NO. 1227 OF 2021  
IN  
CRIMINAL APPEAL NO. 349 OF 2021***

Subhash Namdeo Bhalerao	...Applicant
Versus	
The State of Maharashtra & Anr.	...Respondents

Mr. Sachin Gite for the Applicant

Mr. S. V. Gavand, A.P.P for the Respondent No.1–State

Ms. Devyani Kulkarni, Appointed Advocate for the Respondent No. 2

***CORAM : REVATI MOHITE DERE, J.***  
***(THROUGH VIDEO-CONFERENCING)***  
***FRIDAY, 30<sup>th</sup> APRIL 2021***

***P.C. :***

1            Heard learned counsel for the parties.

2            By this application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of the appeal.

3           The applicant, vide judgment and order dated 8<sup>th</sup> March 2021 passed by the learned Additional Sessions Judge and Special Judge (POCSO), Nashik, in Session Case (POCSO) No. 396/2018, has been convicted and sentenced as under:

- for the offences punishable under Section 354-A of the Indian Penal Code and Section 7 r/w Section 8 of the Protection of Children from Sexual Offences Act, to suffer rigorous imprisonment for 3 years and to pay fine of Rs.5,000/-, in default of payment of fine, to undergo simple imprisonment for 3 months.

4           It is not in dispute that the applicant was on bail pending trial and even post his conviction, his sentence has been suspended to enable the applicant to file an appeal. It is also not in dispute that whilst on bail, the applicant has not misused or abused the liberty granted to him. The appeal has been admitted by this Court vide order dated 8<sup>th</sup> April 2021. The sentence awarded is a short term sentence and the appeal is not likely to be heard in the immediate near future.

5           Considering the aforesaid, the application is allowed and the applicant's sentence is suspended and he is enlarged on bail, pending the

hearing and final disposal of his appeal, on the following terms and conditions :

**ORDER**

(i) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

(ii) The applicant shall report to the trial Court, once in four months on the day/date specified by the trial Court, till his appeal is finally disposed of;

(iii) The applicant shall not tamper with the evidence or attempt to influence, threaten or contact the victim, witnesses or any person concerned with the case;

(iv) The applicant shall keep the trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;

6 The application is disposed of accordingly.

7           The High Court Legal Services Committee to pay the fees as per Rules, to Ms. Devyani Kulkarni, learned appointed Advocate who has espoused the cause of the respondent No. 2.

8           Copy of this order be forwarded to The High Court Legal Services Committee, Mumbai, for information and necessary action.

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

**REVATI MOHITE DERE, J.**