

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 1958 OF 2015
IN
CRIMINAL APPEAL NO. 351 OF 2015**

Haridas s/o Kashinath Fuke

.... APPLICANT

V E R S U S

The State of Maharashtra

.... RESPONDENT

.....

Mr. R.A.Jaiswal, Advocate for Applicant.

Mr. A.V.Deshmukh, A.P.P. for Respondent – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 15th APRIL, 2015

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PER COURT :

1. This is an application for suspension of substantive jail sentence and for grant of bail.

2. Heard Mr. R.A.Jaiswal, learned Counsel for the applicant and Mr. A.V.Deshmukh, learned A.P.P. for respondent – State.

3. The applicant is convicted by the learned Additional Sessions Judge, Aurangabad in Sessions Case No. 397/2013, whereby the learned Judge of the Court below has convicted the applicant for the offence punishable u/s 7 and 8

of the Protection of Children from Sexual Offences Act, 2012 and directed to suffer Rigorous Imprisonment for three years and to pay fine of Rs. 10,000/-. In default of payment of fine, to suffer Rigorous Imprisonment for three months.

4. Learned counsel for the applicant submits that fine amount is already deposited. Learned counsel pointed out to this Court that after the conviction, learned trial Court vide Order dated 09/03/2015 has already suspended substantive jail sentence in order to give opportunity to the applicant to approach this Court.

5. Looking to the limited duration of the sentence and the fact that this Court is taking presently the Appeals of the year 2000, in near future, final hearing of the present Appeal is not possible.

6. The applicant was on bail through-out during the trial and at no point of time he has mis-used the liberty granted to him, is the submission of the learned counsel for the applicant. Statement accepted.

7. Looking to the nature of the evidence on record and looking to the short duration of the sentence, I propose to pass the following order.

(i) The present application is allowed.

(ii) The substantive jail sentence imposed upon

the applicant by the learned Additional Sessions Judge, Aurangabad in Sessions Case No. 397/2013 for the offences punishable u/s 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 be suspended during the pendency of the present Appeal and the applicant be released on bail on he executing P.R. Bond of Rs. 15,000/- [Rupees Fifteen Thousand] with one solvent surety in the like amount. Bail before the trial Court.

(iii) The applicant shall remain present before this Court at the time of final hearing of the present Appeal.

(iv) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]