

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

**CRIMINAL APPLICATION NO. 2465 OF 2015 IN
CRIMINAL APPEAL NO.408/2015**

Sanjay @ Sandip Babaji Pathare	.. APPLICANT
Versus	
State of Maharashtra	.. RESPONDENT

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Shri S.S.Jadhavar, Advocate for applicant
Smt.V.A.Shinde, APP for respondent State

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CORAM : V.M.DESHPANDE, J.
DATED : 7TH MAY, 2015

ORDER :-

This is an application for suspension of substantive jail sentence and for grant of bail. The applicant was prosecuted for the offences punishable u/s 354(A) (1)(i) of I.P.C, and u/s 7 r.w. 8 of the Protection of Children from Sexual Offences Act, 2012.

2] Heard Shri Jadhavar learned counsel for applicant and Smt.Shinde, learned A.P.P, for State.

3] The applicant was arrested on 5/10/2014. The learned counsel for applicant has pointed out that the applicant was not on bail during trial.

4] After full fledged trial, the applicant was convicted by the learned Additional Sessions Judge on 2/5/2015 for offences punishable u/s 354(A) (1)(i) of I.P.C. And u/s 7 r.w. 8 of the

Protection of Children from Sexual Offences Act, 2012 and sentenced him to suffer 3 years rigorous imprisonment.

5] The applicant is in jail from 5/10/2014. Thus, till today, the applicant has already spent about 8 months in jail.

6] Looking to the duration of sentence, looking to the fact that the applicant has already suffered 8 months sentence and looking to the fact that presently, the Court is taking appeals for final hearing of the year 2000, in near future there is no possibility of the appeal being taken for final hearing, applicant needs to be released on bail, I pass following order :

ORDER

A] Application is allowed. Judgment and order of conviction passed by Additional District Judge-4 and Addl. Sessions Judge, Ahmednagar in Sessions Case No.387/2014 convicting applicant for offences punishable u/s 354(A) (1)(i) of I.P.C, and u/s 7 r.w. 8 of the Protection of Children from Sexual Offences Act, 2012, shall remain suspended during the pendency of the appeal.

B] Applicant shall be released on bail on he furnishing P.R. Bond of Rs.25,000/- (Rs.Twenty five thousand only) with two solvent sureties in the like amount. Bail before Sessions Court.

C] The applicant shall not enter Patharwadi Vankute, Taluka Parner, District Ahmednagar.

D] Till the appeal is taken for its final hearing, applicant shall report to the Additional Sessions Judge, Ahmednagar once in three months. The applicant shall report the Additional Sessions Judge scrupulously. In case of 2 consecutive defaults with this condition, bail granted by this Court shall be treated as automatically cancelled.

E] The applicant shall remain personally present before this Court at the time of final hearing of appeal. With this direction, application is disposed of.

(V.M.DESHPANDE,J.)

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