

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 95 OF 2015
IN
CRIMINAL APPEAL NO. 90 OF 2015

Eknath Sadanand Kambli. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Satyajeet Mirajkar, advocate for the applicant.
Mr. D.P. Adsule, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 23, 2015

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP.

2 This is an application under Section 389 of the Code of Criminal
Procedure, 1973 seeking suspension of substantive sentence. The
applicant herein is convicted for offence punishable under Section
354 of the Indian Penal Code and Section 8 of the Protection of
Children from Sexual Offences Act, 2012 and is sentenced to suffer

R.I. for 3 years under Section 8 of Protection of Children from Sexual Offences Act, 2012 and to suffer R.I. for 2 years under Section 354 of the Indian Penal Code and also with fine of Rs. 500/- each for both the offences i.d. to suffer R.I. for 15 days in Special Case No. 15 of 2014 by Additional Sessions Judge, Vasai vide Judgment and Order dated 12/12/2014.

3 The learned Counsel for the applicant submits that the sentence imposed upon the applicant is a short term sentence. That the applicant was on bail during the pendency of the trial and has not committed breach of any condition imposed upon him. Hence, he would be entitled to extension of same relief during the pendency of the appeal.

4 Taking into consideration the fact that the sentence imposed upon the applicant is short term sentence and that appeal cannot be heard in near future, this Court is inclined to enlarge the applicant on bail.

5 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicant is suspended. The applicant be enlarged on bail. Same bail fresh bond.
- (iii) The applicant shall furnish his fresh bond within a period of 4 weeks from the date of this order, failing which the order granting bail stands cancelled.
- (iv) The applicant shall report to the concerned Additional Sessions Judge, Vasai once in six months on the date specified by the concerned Court. Upon failure to attend on two consecutive dates, the concerned Court shall inform the High Court forthwith and take appropriate action.

6 The Application is disposed of on the above terms.

(SMT. SADHANA S. JADHAV,J)