

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**Cr. Application No 1088 of 2015**

**IN**

**Cr. Appeal No 868 of 2015**

NITESH NARAYAN KHIDBIDE ...Applicant

V/S

THE STATE OF MAHARASHTRA ...Respondent

....

Mr. Kuldeep S. Patil, for the Applicant.

Mrs. Anamika Malhotra, APP, for the State.

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CORAM : A. R. JOSHI, J.

DATE : 9<sup>th</sup> SEPTEMBER, 2015

P.C.

1. Heard rival arguments on the application for bail during pendency of appeal and suspension of sentence.

2. The applicant is convicted for the offence punishable under Section 341 of IPC and sentenced to suffer RI for one month and to pay fine of Rs.100/-. The applicant/accused is also convicted for the offence punishable under Section 354(D) of IPC and sentenced to suffer RI for one year and to pay fine of Rs.200/-. He is also convicted for the offence under Section 12 of the Protection of Children from Sexual Offences Act and sentenced to suffer RI for one year and to pay fine of Rs.200/-. Reportedly all the fine amounts are paid.

3. During the trial, the applicant was on bail and after

conviction he is also on bail till filing of the appeal. The allegations against the applicant are that on the relevant day he followed a school going girl aged about 16 years and uttered the words that he had love with her. He was so doing few days continuously. He was apprehended by the father of the girl and was given in police custody. Thereafter the investigation was concluded and the charges were framed.

4. Considering the allegations against the applicant and considering that he was on bail, in the opinion of this Court, present application for bail can be allowed as there are no immediate prospectus of taking up the present matter for final hearing of the appeal. The application is allowed. The substantive sentence is suspended till decision of the appeal. The applicant be released on same bail as granted by the trial Court with fresh bonds to be executed before the trial Court. The application is accordingly disposed of. It is made clear that the order of bail is effective only after deposit of entire fine amount before the trial Court.

( A. R. JOSHI, J.)

Deshmane (PS)

Certified to be true and correct copy of the original signed order.