

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1439 OF 2015
IN
CRIMINAL APPEAL NO. 1091 OF 2015

Narayan Ashok Kamble	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Tapan Thatte, Advocate for the applicant.
Mr. Arfan Sait, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 27th November, 2015.

P.C.

This is an application under Section 389 of Cr.P.C. seeking suspension of substantive sentence imposed upon the applicant. The applicant herein is convicted for the offence punishable under Section 363 of Indian Penal Code and sentenced to R.I. for a period of six months and pay fine of Rs.2,000/- in default of payment of fine, the accused to suffer further R.I. for one month by the Addl. Sessions Judge, Pune, vide judgment and order dated 21.10.2015.

2. The learned counsel for the applicant submits that the applicant was on bail during the pendency of the trial and has not committed breach of any conditions imposed upon him. It is further submitted that after

recording conviction, the substantive sentence has been suspended by the learned Addl. Sessions Judge since the applicant was on bail during the pendency of the trial. It is also submitted that the sentence imposed upon the applicant is a short-term sentence and hence the learned counsel for the applicant prays for grant of bail during the pendency of the appeal.

3. Perused the notes of evidence, more particularly the substantive evidence of PW-5 Komal Pabale. It appears that upon suggestions made by the appellant, the victim girls had left the house voluntarily without informing their parents. In view of this, taking into consideration the substantive evidence of the victims and the submissions advanced across the bar, this Court is of the opinion that the applicant deserves to be enlarged on bail during the pendency of the appeal.

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended. He be enlarged on bail, same bail fresh bonds.
- (iii) The applicant shall furnish bail bonds within three weeks from today.

- (iv) The applicant shall not contact the victim girls in any manner.
- (v) The applicant shall report to the Court of Sessions once in six months on the date fixed by the Sessions Court. In case of failure to attend that Court on any two consecutive dates, the prosecution shall be at liberty to move for cancellation of bail.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)