

Criminal Application No. 2890 of 2016
(In Criminal Appeal No. 344 of 2016)

District : Ahmednagar

versus

The State of Maharashtra. .. Respondent.

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Mr. Santosh S. Jadhavar, Advocate, for the applicant.

Mr. R.B. Bagul, Addl. Public Prosecutor, for
the respondent.

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CORAM : SANGITRAO S. PATIL, J.

DATE : 3rd June 2016
(Summer Vacation)

PER COURT :

Heard the learned Counsel for the applicant
and the learned Addl. Public Prosecutor for the
respondent.

2. By the present application, the applicant (original accused) has prayed that the substantive sentences imposed upon him by the judgment and order dated 09.05.2016, in Sessions Case No. 98 of 2013,

passed by the Judge, Special Court & ASJ, Ahmednagar, may be suspended and he may be released on bail during the pendency of Criminal Appeal No. 344 of 2016 preferred by him before this Court.

3. The applicant is convicted of the offence punishable under Section 12 of the Protection of Children from Sexual Offences Act, 2012. He is also convicted of the offence punishable under Section 354 of the Indian Penal code. He is sentenced to suffer rigorous imprisonment for one year and to pay a fine of Rs. 3,000/- each with default clauses, on both the counts. It is directed that the substantive sentences shall run concurrently.

4. Against the said conviction and sentence, the applicant has preferred Criminal Appeal No. 344 of 2016 before this Court, wherein notice has been issued to the respondent - State, today.

5. The learned Counsel for the applicant submits that the applicant has good chances of success in the appeal. The applicant was on bail during pendency of the trial. The applicant has deposited the fine amount as ordered by the trial Court. The learned Counsel for the applicant has, therefore, urged that the applicant may be released on bail during pendency of the appeal by suspending the substantive sentence.

6. The applicant was on bail during pendency of the trial. He has also deposited the amount of fine before the trial Court. If the substantive sentence passed against him is not suspended, the very purpose of filing the appeal would be frustrated. Moreover, there is no likelihood that the appeal filed by the applicant would be decided in the near future. I, therefore, think it fit to allow the application with the following order :-

i) The substantive sentences imposed upon the applicant (original accused), namely, Millind Ganpat Bhavar, for offences punishable under Section 12 of the Protection of Children from Sexual Offences Act, 2012, and Section 354 of the Indian Penal Code, vide judgment and order dated 09.05.2016, in Sessions Case No. 98 of 2013, passed by the Judge, Special Court & ASJ, Ahmednagar, are suspended and he is directed to be released on bail, pending hearing and final disposal of Criminal Appeal No. 344 of 2016, on his furnishing personal bond in the sum of 10,000/- [Rupees ten thousand] with a surety in the like amount.

ii) Bail bonds shall be furnished before the trial Court.

iii) The Application stands disposed of accordingly.

(SANGITRAO S. PATIL)
JUDGE

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