

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
**CRIMINAL APPLICATION NO. 164 OF 2016**  
**IN**  
**CRIMINAL APPEAL NO. 92 OF 2016**

|                          |     |            |
|--------------------------|-----|------------|
| Shankar Gangaram Naik    | ... | Applicant  |
| vs.                      |     |            |
| The State of Maharashtra | ... | Respondent |

Mr. Venkatesh A. Shastry, Advocate for the applicant.  
Ms. A.A.Mane, APP, for the State.

**CORAM: SMT. SADHANA S.JADHAV, J.**  
**DATE : 4th February, 2016.**

**P.C.**

This is an application under Section 389 of Cr.P.C. The applicant herein is convicted for the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act and is sentenced to suffer rigorous imprisonment for four years with fine of Rs.1,000/- in default S.I. for one month by the Special Judge, Gadhinglaj in Special Case No.1 of 2014 vide judgment and order dated 31.12.2015.

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 the

sentence imposed upon the applicant is a short-term sentence. The appeal is not likely to be heard in the near future.

3. Taking into consideration the fact that the sentence imposed upon the applicant is a short-term sentence, this Court is inclined to grant bail to the applicant.

### **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 be released upon depositing the fine amount before the trial Court.
  - (iv) The applicant shall report to the Court of Special Judge, Gadhinglaj, once in six months on the date specified by that Court.
  - (v) In case of failure to attend that Court on any two consecutive dates, the prosecution shall be at liberty to apply for cancellation of bail.
  - (vi) Parties to act on an authenticated copy of this order.
- Application stands disposed of.

**(SMT.SADHANA S.JADHAV, J.)**