

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 294 OF 2016
IN
CRIMINAL APPLICATION NO. 51 OF 2016
IN
CRIMINAL APPEAL NO. 24 OF 2016

Kishorkumar Ashokkumar Barun @ Titu. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. D.R. Prajapati, advocate for Applicant.

Mrs. A.A. Mane, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : MARCH 3, 2016

P.C.:

1 Not on board. Upon production taken on board.

2 Heard the learned Counsel for the applicant and the learned
APP for State.

3 On 21/1/2016 none appeared for the appellant. However, the appeal was admitted and the applicant was directed to be enlarged on bail. The applicant is convicted for offence punishable under Section 509, 354 of the Indian Penal Code and under Section 12 of Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer R.I. for one year and fine of Rs. 300/- I.d. S.I. for 15 days by the Designated Court under Protection of Children from Sexual Offences Act, 2012, Gr. Bombay in Special Case No. 805 of 2013 vide Judgment and Order dated 20/11/2015. Taking into consideration the fact that the applicant was on bail during the pendency of the trial and that the sentence imposed upon the applicant is a short term sentence, this Court was pleased to enlarge the applicant on bail. This Court had directed that the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 20,000/- and one or two sureties in the like amount. Since the substantive sentence was suspended by the learned Special Judge after conviction, this Court had directed that the applicant shall furnish bail bonds before the Designated Court within 3 weeks from 21/1/2016.

4 The learned Counsel submits that the applicant has approached the Designated Court on 17/2/2016, admittedly after the expiry of 3 weeks from 21/1/2016. The P.R. Bonds were not executed. Since this Court had passed an order to the effect that upon failure to furnish sureties within 3 weeks from 21/1/2016, the applicant be taken into custody for serving the rest of the sentence, the applicant was taken into custody on 17/2/2016. Since the applicant was directed to be enlarged on bail, the learned Counsel submits that and now he is in custody, he be enlarged on bail on furnishing P.R. Bond and sureties. Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 20,000/- and one or more sureties in the like amount.
- (iii) The applicant shall furnish his residential address, contact numbers like cell phone number, landline numbers etc. to the concerned Court.

(iv) The applicant shall report to the Designated Court under Protection of Children from Sexual Offences Act, 2012, Greater Bombay once in 3 months on the date specified by the concerned Court, failing which the prosecution is at liberty to move for cancellation of bail.

5 The application is disposed of accordingly.

The parties to act on the authenticated copy of this order.

(SMT. SADHANA S. JADHAV,J)