

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 519 OF 2016
IN
CRIMINAL APPEAL NO. 283 OF 2016

Sanjay Dharma Pille ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Jayesh Kocheta,, for the Applicant.

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

CORAM : SMT. SADHANA S. JADHAV, J
DATE : 22nd April, 2016.

P.C.:

1 This is an application under Section 389 of Cr.P.C. seeking suspension of substantive sentence.

2. The applicant herein is convicted for the offence punishable under Section 354 of IPC and sentenced to suffer R.I. for three years and fine of Rs.1,000/- in default to undergo further R.I. for one month. He is also convicted for the offence Section 8 of the Protection of Children from Sexual Offences Act, 2012 and is sentenced to suffer R.I. for 3 years and fine of Rs.1,000/- in default further R.I. for one month by the learned Special Judge & District

Judge, Pune in Special © S.C. No.93/2014 vide judgment and order dated 14.3.2016.

3. 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 and hence he is entitled to the extension of the same relief during the pendency of the appeal. The learned counsel has draw attention of this Court to the observations of the learned Sessions Judge that evidence of PW-4 would show that on the same day of the alleged incident he had received a complaint in the night at the police station regarding murder of the brother of the accused by PW-2 and her two companions. The learned counsel submits that the learned Sessions Judge has not appreciated the evidence in proper perspective and has erred in holding that the accused had not been able to establish the nexus between murder of the brother of the accused and the allegations levelled against the accused.

4. Be that as it may, the sentence imposed upon the applicant is a short-term sentence and it is likely that the appeal will be heard in the near future. Hence, the following order :-

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 fresh bail bonds before the Special Judge & District Judge, Pune, within three weeks from today.
- (iv) Upon failure to furnish fresh bail bonds within three weeks, the learned Special Judge shall issue non-bailable warrant against the applicant, calling upon him to serve the rest of the sentence.
- (v) The applicant shall cause his appearance before the Special Judge & District Judge, Pune, once in six months on the dates specified by that Court during the pendency of the appeal. Upon failure to cause appearance on any two consecutive dates, the prosecution is at liberty to file an application seeking cancellation of bail.

Application is allowed and stands disposed of.

(SMT. SADHANA S. JADHAV, J)