

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 780 OF 2016

IN

CRIMINAL APPEAL No. 430 of 2016

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Smt. Yogini Ugale for the Applicant.

Smt. R.V. Newton, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 29th June, 2016

P.C.

1) This is an application for suspension of substantive sentence and for releasing the applicant on bail pending the hearing and disposal of the appeal.

2) The applicant has been convicted for the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and under section 354 of the IPC and sentenced to suffer rigorous imprisonment for three years and one year respectively on each count by the learned Special Judge under POCSO Act, by its Judgment and Order dated 22.4.2016 in POCSO Special Case No. 891 of 2013. The applicant has been further ordered to pay the fine of Rs.3000/-and Rs.1000/- respectively on each count and in default of payment of fine to suffer further rigorous imprisonment for one week on each count.

3) The maximum sentence imposed upon the applicant is of 3

years. The sentence imposed upon the applicant is a short term sentence. After the pronouncement of the impugned Judgment and Order dated 22.4.2016 the learned Trial Court has released the applicant on bail under section 389 (3) of the Cr.P.C. That the applicant was on bail during the pendency of the trial and there is no report that the applicant has violated any of the conditions of the bail. There is no possibility of the appeal being heard in the near future. In the circumstances, the applicant is entitled for bail.

4) Hence, the following order.

ORDER

(a) The substantive sentence imposed upon the applicant is suspended during the pendency of the appeal. The applicant be released on bail on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount;

(b) After his release from Jail, the applicant shall attend the Trial Court once in six months on every first Monday of the said month between 11:00 a.m. to 1:00 p.m;

(c) In case of any two consecutive defaults in attending the Trial Court by the applicant the prosecution will be entitled for seeking cancellation of bail granted by this Court;

5) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)