

*Ladda*FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 900 of 2016

IN

CRIMINAL APPEAL No. 494 of 2016.

Mahadev Shankar Sathe Vs. The State.

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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Mr Amit Karande for the appellant.

Smt. Poonam Bhosale, APP for the State.

CORAM : A.S.GADKARI, J.

DATE : 22nd July, 2016

P.C.

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

2) The applicant/accused no.1 in Special Case No. 12 of 2013 is convicted for the offence punishable under Sections 366(A), 354(A) of the Indian Penal Code and under section 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment for three years on each count and to pay a total fine of Rs. 10,000/-, in default of payment of fine to suffer further simple imprisonment for two months on each count by the learned Additional Sessions Judge, Malshiras in Special Case No. 12/2013 by its Judgment and Order dated 23/6/2016. The substantive sentences are ordered to run concurrently.

3) The learned counsel appearing for the applicant submitted that after the pronouncement of the impugned Judgment and Order

dated 23/6/2016, the learned Trial Court has released the applicant on bail as contemplated under section 389 (3) of Cr.PC as the maximum substantive sentence imposed upon the applicant is of three years of rigorous imprisonment. He submitted that the applicant was on bail during the pendency of the trial and he did not violate any of the conditions of the bail order. He prayed that the applicant may be released on bail.

4) The maximum sentence imposed upon the applicant is three years of rigorous imprisonment. This is a short term sentence. After the pronouncement of the impugned Judgment and Order dated 23/6/2016, the learned Trial Court has released the applicant on bail as contemplated under section 389 (3) of Cr.PC by its Order dated 23/6/2016 passed below Exh.14. The applicant was on bail during the pendency of the trial and there is no report that the applicant violated any of the conditions of the bail. In view of the same, I am inclined to suspend the substantive sentence and release the applicant on bail.

5) Hence, the following order:

ORDER

- a) The substantive sentence imposed upon the applicant is suspended during the pendency of the appeal;
- b) The applicant be released on bail on his furnishing PR bond of Rs.25,000/- with one or two local sureties in the like amount;
- c) During the pendency of the appeal, the applicant shall attend the Trial Court once in three months on

every first Monday of the said month between 11:00 a.m. to 2:00 p.m;

- d) Any two consecutive defaults, in attending the Trial Court, will entitle the prosecution for seeking cancellation of bail granted to the applicant;
- e) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)