

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.1102 OF 2016
AND
CRIMINAL APPLICATION NO.1101 OF 2016
IN
CRIMINAL APPEAL NO.592 OF 2016**

KISHAN SUNIL BIDLAN)...APPELLANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Ms.Neha M. Patil, Advocate for the Appellant.

Mr.S.V.Gavand, APP for the Respondent - State.

CORAM : P N. DESHMUKH, J.

DATE : 8th SEPTEMBER 2016

P.C. :

1 Heard. Both these applications are filed for suspension of substantive sentence of imprisonment imposed upon applicant and for grant of bail respectively. Applicant is convicted for the offences punishable under Sections 452 and 506(II) of IPC and under Sections 8 and 12 of Protection of Children from Sexual Offences Act (POCSO

Act) and is sentenced to suffer rigorous imprisonment for 1 year and to pay a fine of Rs.500/-, in default, to suffer simple imprisonment for 15 days for the offence punishable under Section 506(II) of IPC, and under Section 452 of IPC to suffer simple imprisonment for 1 year. No fine is imposed on this count. Accused is further convicted and is sentenced to suffer rigorous imprisonment for 3 years and to pay a fine of Rs.200/-, in default, to suffer simple imprisonment for 20 days, for the offence punishable under Section 8 of POCSO Act, and under Section 12 of POCSO Act is sentenced to suffer rigorous imprisonment of 1 year and to pay a fine of Rs.100/-, in default, to suffer simple imprisonment for 15 days. All the sentences are directed to run concurrently.

2 Admittedly, applicant was on bail pending appeal and considering the nature of sentence, since can be termed as short sentence, and as it is no case of prosecution that while on bail applicant has misused the liberty granted to him, applications are liable to be allowed as per order below :

- i) Applicant shall be released on bail on his executing PR.Bond in the sum of Rs.25,000/- with one surety in like amount or two sureties in the sum of

Rs.12,500/- each. Surety already furnished to continue, and if required, applicant shall furnish additional surety to make the amount of Rs.25,000/-.

- ii) While on bail, applicant shall mark his presence with Malad Police Station, once in three months on the first day of such month.
- iii) Applicant shall provide proof of his residence to Investigating Officer and intimate change of his address in future, if any, to the concerned police station.

(P N. DESHMUKH, J.)