

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.1207 OF 2016

IN

CRIMINAL APPEAL NO.646 OF 2016

Mr. Bandu Pandurang Sutar ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

.....

Mr. Paras Yadav, Advocate for the Applicant.

Mr. A.R.Kapadnis, APP for the Respondent/State.

....

CORAM : P N. DESHMUKH J.

DATED : 21st OCTOBER 2016.

P.C.

1 This application is filed for suspension of sentence imposed upon applicant and for grant of bail. Learned counsel for applicant has submitted that while applicant was on bail pending trial, he has not misused the liberty granted to him and that applicant is convicted for lesser punishment as is sentenced to suffer RI for four years and to pay fine of Rs.1,000/- in default to suffer SI for one month under Section 8 of the Protection of Children from Sexual Offences Act, 2012. It is, therefore, prayed that application be allowed.

2 Perused the compilation of evidence. It appears to be case of the prosecution that applicant had outraged modesty of complainant who is 17 years old girl by touching his face to her thigh while

demanding water on one occasion and is alleged to have committed sexual attack on her as he had obtained video shooting on his mobile thereby outraging her modesty. Admittedly, from the evidence of complainant, it has come on record that before she lodged report, she had deleted such video shooting from mobile of applicant, even otherwise, applicant is acquitted of the offences punishable under Section 67 of the Information and Technology Act, 2000 and is thus, found convicted only for outraging modesty and is sentenced as aforesaid.

3 Having considered facts as aforesaid and as applicant was on bail pending trial, application is allowed as per order below:

(1) Applicant shall be released on bail on his executing PR.Bond in the sum of Rs.30,000/- with one surety in the like amount.

(2) Applicant shall mark his presence with Chandgad Police Station, District: Kolhapur once in six months, on the first day of such month, pending appeal.

(3) Applicant shall produce proof of his residence to the Investigating Officer and update change in address, if any, in future, to the concerned police station.

4 Application stands disposed of as allowed.

(P. N. DESHMUKH J.)