

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.**

**CRIMINAL APPLICATION NO. 1784 OF 2017
IN
CRIMINAL APPEAL NO. 132 OF 2017**

Suhas @ Gotya Rambhau Garje ... Applicant

VERSUS

The State of Maharashtra ... Respondent

.....
Mr S. S. Jadhavar, Advocate for the applicant
Mrs Vaishali N. Patil-Jadhav, APP for respondent/State
.....

CORAM : V. L. ACHLIYA, J.
DATE : 24TH APRIL, 2017.

PER COURT:

. The applicant has moved this application seeking suspension of sentence and release on bail during the pendency of appeal for the reasons set out in detail in the application as well as memo of appeal.

2. Heard learned counsel for the applicant and APP for the State and further perused the impugned Judgment & Order.

3. In nutshell, it is the contention of the learned counsel for the applicant that there is no cogent, convincing evidence to sustain

the conviction. He further submits that the applicant has fair chances to succeed in the appeal. He further submits that, the maximum sentence awarded is of one year. In case, the sentence is not suspended, the appeal may become infructuous.

4. On the other hand, learned APP opposed the application with contention that, the nature of offence committed by accused refers to outraging of modesty and sexual assault on the minor girl. She submits that, if the applicant is released on bail there is every likelihood that he may repeat the offence of similar nature and so also he may cause danger to complainant and her family.

5. Having appreciated the submissions advanced and further taken note of the fact that the maximum sentence awarded is of one year, I am of the view that the request of the applicant to enlarge the applicant on bail deserves to be granted. If the application is not entertained, there is every likelihood that the appeal may become infructuous. The applicant is convicted u/s 354, 354-A(1) and 504 of the IPC and Section 12 of the Protection of Children from Sexual Offence Act. The applicant claims to have deposited the fine amount. Learned counsel for the applicant submits that, the applicant is ready and willing to abide by the conditions that may be imposed in the

event of release of the applicant on bail. I am, therefore, inclined to pass the following order.

ORDER

- (1) Pending disposal of the appeal, the execution of substantive sentence stands suspended.
- (2) Pending disposal of the appeal, the applicant be enlarged on bail on his furnishing bail in the sum of Rs. 25000/- (Rupees Twenty Five Thousand) with one surety in the like amount, on following conditions.
 - (i) Pending disposal of the appeal, the applicant shall attend Police Station Kallam, Dist. Osmanabad, on last day of each month in between 10:00 to 11:00 AM.
 - (ii) The applicant shall not indulge into any offence of similar nature during the pendency of the Appeal.
 - (iii) The applicant shall furnish the names of his three close relatives with their addresses and phone numbers.
- (3) Bail be furnished in the trial Court within a period of three weeks from the date of this order, else the order passed stands vacated.
- (4) In the event of breach of any of the conditions as above, the bail granted to the applicant will be liable to be cancelled.

6. Criminal Application stands disposed of in above terms.

[V. L. ACHLIYA, J.]