

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

**CRIMINAL APPLICATION NO.2043 OF 2017
IN
CRIMINAL APPEAL NO.163 OF 2017**

Satish Sampat Hase .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr.S.K. Shinde, Advocate for the applicant

Mr.A.D. Namde, APP for the respondent/State

CORAM : V.L.ACHLIYA, J.

DATED : 21.04.2017

P.C. :-

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

2. In nutshell it is the contention of the learned counsel for the applicant that the conviction is not sustainable in law. There is no cogent, convincing and reliable evidence to sustain the conviction. He submits that the applicant has not committed the offence and he has been falsely implicated in the case. No identification parade was conducted to establish the

identity of the culprit. He further submits that during the trial the applicant was on bail and the applicant has fair chance to succeed in appeal. He, therefore, urged to enlarge the applicant on bail. Learned counsel submits the trial Court has suspended the sentence in order to enable the applicant to prefer an appeal.

3. On the other hand the learned counsel for the respondent/State has strongly opposed the application with contention that there is strong evidence to connect the applicant with the offence for which he has been held guilty. He submits that the applicant has sexually assaulted the girl aged about 15 years old in a day time on the road. Looking to the nature of the offence committed by the applicant, the applicant may not be enlarged on bail.

4. Having appreciated the submissions advanced I am of the view that though the nature of offence committed by the applicant quite serious in nature but looking to the over all facts that during the trial the applicant was on bail and maximum sentence awarded is of two years, it may not be desirable to refuse to entertain the application. Looking to the huge pendency of the appeal it may not be possible to take up the appeal immediately for final hearing. In case the application is not allowed

there is every likelihood that the appeal may become infructuous. I am, therefore, inclined to pass the following order.

ORDER

- I) Application is allowed.
- II) Pending disposal of appeal the execution of substantive sentence awarded to the applicant stands suspended subject to deposit of fine.
- III] Pending disposal of appeal the applicant namely Satish Sampat Hase be released on bail on his furnishing bail in the sum of Rs. 25,000/- with one surety in like amount on the following conditions.
 - a) The applicant shall mark his attendance before the Police Inspector, City Police Station, Sangamner, Tq. Sangamner, Dist. Ahmednagar on every month of last day in between 10.00 am to 11.00 am. till final disposal of the appeal.
 - b) The applicant shall furnish the names and addresses of his 3 close relatives with phone numbers.

(4)

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c) The applicant shall not cause threat to complainant and other prosecution witnesses.

d) In the event of change in address the applicant shall intimate concerned Police Station as well as this Court.

e) During pendency of the appeal the applicant shall not involve in any criminal case.

IV) In the event of breach of any of the conditions, the bail granted to the applicant liable to be canceled.

V) Bail to be furnished before the trial Court. In case the bail is not furnished before the trial Court within two weeks from the date of this order, the order of suspension of sentence stands recalled and canceled.

VI) The trial Court is directed to report the compliance of furnishing of bail within three weeks to this Court.

VII) The Police Inspector, City Police Station, Sangamner, Tq. Sangamner, Dist. Ahmednagar is directed to submit the report of compliance of conditions of bail after every six months till final disposal of the appeal.

[V.L.ACHLIYA,J.]