

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

**CRIMINAL APPLICATION NO. 2685 OF 2017
IN
CRIMINAL APPEAL NO. 220 OF 2017**

Parmeshwar @ Barmya Sahebrao Salve **APPLICANT**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. A.N.Nagargoje, Advocate for Applicants.

Mr. G.O.Wattamwar, A.P.P. for Resp. - State.

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CORAM : V.L.ACHLIYA, J.

DATE : 12th JUNE, 2017

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ORDER :

1. The applicant have moved this application seeking suspension of sentence and release on bail during pendency of Appeal for the reasons set out in detail in the application.

2. Heard the learned counsel for the applicant, A.P.P. for the respondent – State and further perused record and proceedings.

3. Learned counsel for the applicant submits that considering the overall facts of the case, nature of offence, the sentence awarded and the grounds raised in Appeal, the applicant deserves to be enlarged on bail during pendency of Appeal. He submits that maximum sentence awarded is of three years. The trial Court has suspended the sentence to enable the applicant to prefer Appeal. During trial, the applicant was on bail. He further submits that in case the sentence is not suspended, there is every likelihood that the Appeal may become infructuous.

4. Learned A.P.P. opposed the application with the contention that looking to the nature of the offence committed by the applicant and the sentence awarded, the request for releasing him on bail may not be entertained.

5. Having regard to the submissions advanced, I am of the view that case is made out to entertain the Appeal. The applicant is convicted for the offence punishable u/s 354-A (1) (2) of the Indian Penal Code and

sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs. 1,000/- [Rupees One Thousand]. For committing offence u/s 506 of the I.P.C., the applicant is sentenced to suffer rigorous imprisonment for six months and to pay fine of Rs. 500/- [Rupees Five Hundred]. The applicant is also convicted for the offence punishable u/s 8 of the Protection of Children from Sexual Offences Act [for short, 'POCSO Act'] and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs. 1,000/- [Rupees One Thousand]. Thus, the maximum sentence awarded is of three years. During trial, the applicant was on bail. It is nowhere the case of the prosecution that during the pendency of trial, the applicant has mis-used the liberty and breach the condition of bail. Looking to the huge pendency, it may not be possible to take up the Appeal immediately for final hearing. I am, therefore, inclined to allow the application and pass the following order.

ORDER

[1] Pending disposal of the Appeal, the execution of substantive sentence stands suspended subject to deposit of fine amount by the applicant.

[2] Pending disposal of the Appeal, applicant Parmeshwar @ Barmya Sahebrao Salve be enlarged on bail on his furnishing bail in the sum of ₹ 50,000/- [Rupees Fifty Thousand] with one or two sureties in like amount on following conditions.

[i] Pending disposal of the Appeal, the applicant shall appear and record his appearance before the Police Inspector of Majalgaon [Rural] Police Station, Dist.Beed on 2nd and 4th Sunday in each month in between 5.00 to 8.00 p.m.

[ii] The applicant shall not leave Majalgaon city without intimating the Police Inspector of Majalgaon [Rural] Police Station, Dist. Beed.

[iii] The applicant shall not indulge in the commission of any criminal offence.

[iv] The applicant shall furnish the names and addresses of his three (3) close relatives.

[3] In case of breach of any condition, the bail granted to the applicant shall be liable to be cancelled.

[4] Police Inspector of Majalgaon [Rural] Police Station, Dist.Beed is directed to submit the report in respect of compliance of conditions after every six months.

[5] Bail to be furnished in the trial Court within the period of suspension as ordered by the trial Court or within one week from the date of order. Failure to furnish the bail within the stipulated period, the order of grant of bail stands cancelled. Compliance report be sent to this Court.

[V.L.ACHLIYA, J.]