

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO. 204 OF 2017
IN
CRIMINAL APPEAL NO. 41 OF 2017

KANHAIYA NAIK, THR. HIS FRIEND,
KARTIKI KANHAIYA NAIK.,

... Applicant

Versus

STATE, THR. PANAJI POLICE STATION,
PANAJI AND ANR.,

... Respondents

Shri Prasheen Lotlikar, Advocate for the applicant.
Shri Mahesh Amonkar, Additional Public Prosecutor for the
respondents.

Coram:- PRITHVIRAJ K. CHAVAN, J.

Date:- 18th August 2017

P.C.

Heard Shri Lotlikar, learned Counsel appearing for the applicant.

2. The applicant has been convicted and sentenced to undergo imprisonment for three years and a fine of Rs.1,00,000/- (Rupees one lakh only) for the offence punishable under Section 8(2) of the Goa Children's Act, 2003 and also for imprisonment for four years and a fine of Rs.50,000/- (Rupees fifty thousand only) for the offence punishable under Section 354 IPC.

3. It is submitted by learned Counsel for the applicant that the applicant would deposit the fine amount within two weeks from

today before the trial Court. Learned Counsel prays for release of the applicant under Section 389 of Cr.P.C. pending the appeal. It is also pointed out that offence alleged had occurred prior to amendment to Section 354 Cr.P.C. and, therefore, he ought not to have been sentenced for imprisonment of 3 years under Section 354 by the learned trial Court.

4. Learned Additional Public Prosecutor, at this stage, has no objection for release of the applicant on bail pending the appeal since the applicant was already on bail during the course of trial.

5. After considering the respective submissions, I am of the view that pending the appeal, the applicant be released on bail on his furnishing a fresh personal bond of Rs.60,000(Rupees sixty thousand only) with one solvent surety in the like amount before the trial Court. The applicant shall appear during the course of hearing of the appeal. The release of the applicant on bail shall be subject to deposit of entire fine amount in the trial Court.

6. Application stands disposed of accordingly.

7. Authenticated copy of this order be expedited.

PRITHVIRAJ K. CHAVAN, J.