

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.270 OF 2017

AND

CRIMINAL APPLICATION NO.271 OF 2017

IN

CRIMINAL APPEAL NO.144 OF 2017

**BALASAHEB ALIAS PRATAP SUKHADEO)
KAMBLE)...APPLICANT**

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Balasaheb Deshmukh, Advocate for the Applicant.

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

CORAM : A. M. BADAR, J.

DATE : 17th FEBRUARY 2017

P.C. :

1 These are applications for suspension of sentence and releasing the applicant / accused on bail during pendency of his appeal before this court.

2 Heard both sides. The learned advocate appearing for the applicant argued that as the applicant / accused is sentenced to suffer rigorous imprisonment for 3 years and as in exercise of his powers under Section 389 of Code of Criminal Procedure, learned trial Judge has suspended the sentence imposed upon the applicant / accused, the same order be continued during pendency of the appeal. The learned APP opposed the application.

3 Perused the impugned judgment and order. After holding the applicant / accused guilty of the offences punishable under Sections 452 and 354 of the IPC, apart from the offences punishable under Sections 7 read with 8 of Protection of Children from Sexual Offences (POCSO), 2012, the applicant / accused is sentenced to suffer rigorous imprisonment for 3 years apart from payment of fine of Rs.1000/-, in default, to undergo further simple imprisonment for 2 months. The other offences which are lesser are directed to run concurrently with the higher sentences.

4 Considering the fact that short sentence of 3 years has been imposed on the applicant / accused which is suspended by the learned trial court, I see no reason to refuse bail to the applicant / accused. Therefore the order :

- i) The applications are allowed.
- ii) Substantive sentence imposed upon the applicant / accused is suspended and the applicant / accused is directed to be released on bail on his executing P.R.Bond in the sum of Rs.15,000/- and on furnishing surety in like amount.

(A. M. BADAR, J.)