

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.322 OF 2017

IN

CRIMINAL APPEAL NO.172 OF 2017

SAGAR DHONDIRAM SALUNKHE)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.A.B.Patil, Advocate for the Appellant.

Mr.Ameet Palkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 7th MARCH 2017.

P.C. :

1 This is an application for suspension of sentence and release of applicant / accused on bail during pendency of the appeal filed by him. The applicant / accused has been convicted of offences punishable under Sections 354-D and 509 of the IPC

apart from the offence punishable under Section 12 of the Protection of Children from Sexual Offences Act. For the offences punishable under Section 354-D of the IPC, the applicant / accused is sentenced to suffer simple imprisonment for 1 year and for the offence apart from payment of fine of Rs.5,000/-. For the offence punishable under Section 509 of the IPC, he is sentenced to suffer simple imprisonment for 6 months apart from payment of fine of Rs.5,000/-. For the offence punishable under Section 12 of the Protection of Children from Sexual Offences Act, the applicant / accused is sentenced to suffer simple imprisonment for 2 years apart from payment of fine of Rs.5,000/-.

2 Heard the learned advocate appearing for the applicant / accused. He argued that sentence imposed upon the applicant / accused has already been suspended by the learned trial court in order to enable him to file an appeal. Considering the short sentence imposed upon the applicant / accused, in submission of the learned advocate for the applicant / accused, he be released on bail during the pendency of his appeal.

3 The learned APP opposed the application by contending that offence of stalking and sexual harassment is proved against the applicant / accused, and therefore, he is not entitled for bail.

4 I have carefully considered the rival submissions and I have perused the copies of deposition of prosecution witnesses tendered across the bar by learned advocate for the applicant / accused.

5 Short sentence is imposed upon the applicant / accused for offences held to be proved against him. Hearing of the appeal will take its own time. The learned trial court has also suspended the sentence imposed upon the applicant / accused and as such, the following order :

- i) The application is allowed.
- ii) Substantive sentence of imprisonment 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.

iii)As a condition of this order, the applicant / accused should not contact the alleged victim of the crime in question i.e. PW2 and her friends in any manner and he shall not extend any threat, promise or inducement to them, during pendency of the appeal.

(A. M. BADAR, J.)