

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.717 OF 2017
IN
CRIMINAL APPEAL NO.438 OF 2017**

Vikas Rajaram Gujar ... **Applicant**
V/s.
The State of Maharashtra ... **Respondent**

.....
Mr.Anoop Pandey, Advocate for the Applicant.
Mr.S.V.Gavand, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 5th May 2017.

P.C. :

1 This is an application for suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal filed by him. The applicant/accused has been convicted of offences punishable under Sections 354 and 447 of the Indian Penal Code ("IPC" for the sake of brevity) and Section 8 of the Protection of Children of Sexual Offences Act, 2012 ("POCSO Act" for the sake of brevity). For the offences punishable under Section 354 of the IPC as well as under Section 8 of the POCSO Act, he has been sentenced to suffer rigorous imprisonment for three years and for the offence punishable under Section 447 of the IPC, he has been sentenced to suffer rigorous imprisonment for three months. All sentences are directed to run concurrently.

2 Heard both sides and perused the impugned Judgment and Order of conviction. It is seen that the substantive sentence of imprisonment imposed on the applicant has been suspended by the learned trial Court vide order dated 04/03/2017. Short sentence has been imposed on the applicant/accused and the appeal is not likely to come up for final hearing in near future, therefore, the order :

- (i) The application is allowed.
- (ii) The substantive sentence of imprisonment imposed on the applicant/accused is suspended and he is directed to be released on bail on executing PR bond of Rs.15,000/- with one surety in like amount.
- (iii) As a condition of this order, the applicant should not contact the victim child as well as the prosecution witnesses in any manner and he should not extend any threat, promise or inducements to them.

(A.M.BADAR J.)