

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 868 OF 2017
(FOR BAIL)
WITH
CRIMINAL APPLICATION NO. 869 OF 2017
(FOR SUSPENSION OF SENTENCE)
IN
CRIMINAL APPEAL NO. 530 OF 2017**

Deepak Narayan Solanki
Versus
The State of Maharashtra

...Applicant

...Respondent

Mr. Vijay C. Desai for the Applicant

Mr. Prashant Jadhav, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 11th JULY, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By the aforesaid applications, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of the appeal.
3. The applicant has been convicted and sentenced by the learned Designated Judge for Protection of Children from Sexual Offences Act,

Greater Bombay, vide Judgment and Order dated 27th April, 2017 passed in POCSO Special Case No. 385 of 2015, as under:-

- for the offence punishable under Section 354 of the Indian Penal Code ('IPC'), to suffer RI for 3 years and to pay a fine of Rs. 5,000/-, in default, to suffer RI for 1 month each;
 - for the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, to suffer RI for 3 years each, and to pay fine of Rs. 5,000/-, in default, to suffer RI for 1 month;
- (Substantive sentences of imprisonment were directed to run concurrently.)

4. Learned Counsel for the applicant states that the applicant was on bail, pending trial and that he has not abused or misused the conditions of bail. He further submits that after the applicant's conviction, his sentence was suspended by the learned Judge. He submits that the applicant has already deposited the fine amounts.

5. Learned APP does not dispute the aforesaid.

6. Perused the papers. The appeal has been admitted, by a separate order, passed today. The sentence imposed is a short term sentence. The applicant was on bail, pending trial and that his sentence was also suspended after his conviction. The applicant is not stated to have misused or abused the conditions of bail. The appeal is not likely to come up for the hearing in the immediate near future.

7. Considering the aforesaid, the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his Appeal, on the following terms and conditions :

ORDER

(i) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount.

8. The applications are allowed in the aforesaid terms and are accordingly disposed of.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.