

Anand

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

**CRIMINAL APPLICATION NO.1036 OF 2017
(For Suspension Of Sentence And Bail)
IN
CRIMINAL APPEAL NO.620 OF 2017**

Aman Dilawar Patel .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr.V.S.Babar, Advocate, for the Applicant
Mrs.S.S.Kaushik, APP, for the Respondent No.1 – State

CORAM : REVATI MOHITE DERE, J.

DATE : 26.07.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks suspension of his sentence & enlargement on bail, pending the hearing and final disposal of the aforesaid Appeal.

3. The Applicant has been convicted & sentenced vide Judgment and Order dated 29.06.2017, passed by the learned Judge, Special Court, Ratnagiri in Special Case No.35 of 2016, as under :-

- For the offence punishable under Section 354 of the Indian Penal Code to suffer R.I. for two years and to pay fine of Rs.5,000/-, in default to suffer S.I. for further period of six months;
- For the offences punishable under Sections 7 r/w 8 of the Protection of Children from Sexual Offences Act to suffer R.I. for three years and to pay fine of Rs.5,000/-, in default to suffer S.I. for further period of six months.

Both the sentences are directed to run concurrently.

4. From the fine amount, an amount of Rs.5,000/- is directed to be paid to the victim by way of a compensation as per Section 357 of the Code of Criminal Procedure and the remaining amount is directed to be credited to the Government.

5. Learned counsel for the Applicant submits that the Applicant was on bail pending the trial and has not abused or misused the conditions of bail. He submits that even after his conviction, the Applicant's sentence was suspended by the trial Court.

6. Learned APP does not dispute the aforesaid.

7. The sentence imposed is a short term sentence. The Appeal has been admitted by a separate order passed today, and is not likely to be heard in the immediate near future. The Applicant's sentence was suspended, after his conviction.

8. Considering the aforesaid, the Application is allowed. 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 & conditions:-

O R D E R

(i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.15,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall keep the police station informed of his address or change of address, if any, from time to time.

9. Accordingly, the Application is disposed of on the aforesaid terms.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)