

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1132 OF 2016
IN
CRIMINAL APPEAL NO.615 OF 2016**

Suhas Arun Gavhane)...Applicant

**V/s.
State Of Maharashtra)...Respondent**

Mr. Sachin Thombare, Advocate for the Applicant.

Ms. A.A.Takalkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 30th MARCH, 2017.

P.C. :

This is an application for suspension of sentence and releasing the applicant/accused on bail during the pendency of the appeal filed by him. The applicant-accused has been convicted of the offence punishable under Section 354 of IPC and under Section 8 of the Protection of Children from Sexual Offences Act, 2012 (In short 'POCSO Act, 2012') by the learned trial Court. On each count, he has been sentenced to suffer RI for three years apart from directing him to pay fine of Rs.5,000/- and to suffer RI

for three months in default of payment of fine.

2 Heard the learned advocate appearing for the applicant-accused. He argued that considering the short sentence imposed on the applicant-accused and the fact that appeal will take its own time for final hearing in order to prevent appeal being rendered infructuous, the applicant-accused is entitled for bail.

3 The learned APP opposed the application by stating that the offence alleged is held to be proved by the trial Court and, therefore, the applicant-accused is not entitled for bail.

4 I have carefully considered the rival submissions. Short sentence of 3 years is imposed on the applicant-accused on each count. It is reported that substantive sentence of imprisonment being less than 3 years has already been suspended by the trial Court by invoking provisions of Section 389(3) of the Cr.P.C. The appeal filed by the applicant-accused is already admitted and the appeal will take its own time for final hearing. Hence, the order:

(1) The application is allowed.

(2) 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 in the sum of Rs.15,000/- and on furnishing surety in the like amount.

- (3) As condition of this order, the applicant-accused should not contact victim girl or her relatives in any manner and he should not extent threat, promise or inducement to them.

(A. M. BADAR, J.)