

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1303 OF 2017

IN

CRIMINAL APPEAL NO.770 OF 2017

VAIBHAV ARJUN SURYAVANSHI)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.K.S.Patil i/b. Mr.Pradeep Gole, Advocate for the Applicant.

Mrs.M.R.Tidke, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 20th SEPTEMBER 2017

P.C. :

1 This an application for suspension of sentence and release the applicant / accused on bail during pendency of the appeal filed by him. The applicant / accused is convicted of offences punishable under Section 354A (1) of the Indian Penal Code (IPC) and Section 506 of the IPC as well as under Section 8 of the Protection of Children from Sexual Offences Act (POCSO

Act). For the offence punishable under Section 8 of the POCSO Act, he has been sentenced to suffer rigorous imprisonment for 3 years apart from directing him to pay fine of Rs.2,000/- and in default, to undergo simple imprisonment for 3 months. Lesser punishment has been imposed on other counts and all sentences are directed to run concurrently by the learned trial court.

2 Heard the learned advocate appearing for the applicant / accused. He submitted that as the substantive sentences of imprisonment is only for 3 years, the same has been suspended by the learned trial court. He further argued that the applicant / accused who was on bail during pendency of the trial has not misused his liberty and considering short sentence, the applicant / accused deserves to be released on bail.

3 The learned APP opposed the application.

4 Substantive sentence of imprisonment imposed on the applicant / accused has already been suspended by the learned

trial court and he was on bail during pendency of the trial, and he has not misused his liberty. Therefore the order :

ORDER

- i) The applications are allowed.
- ii) Substantive sentence 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 minor female victim of the crime in question as well as her relatives in any manner and he should not commit any offence during pendency of the appeal.
- iv) The application stands disposed of accordingly.

(A. M. BADAR, J.)