

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.1356 OF 2017
IN
CRIMINAL APPEAL NO.799 OF 2017**

Shri.Kamblu Narayan Gorad ... **Applicant**
V/s.
The State of Maharashtra ... **Respondent**

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Mr.R.V.Bansode, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 29th September 2017.

P.C. :

1 This is an application for suspension of sentence and releasing the applicant on bail during pendency of the appeal filed by him. He has been convicted of the offence punishable under Section 354(A) and 452 of the Indian Penal Code (hereinafter referred to as "IPC" for the sake of brevity. On perusal of the impugned Judgment and Order it is also seen that though the applicant/accused is convicted of the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, no separate sentence is imposed on him on this count. For the offence punishable under Section 354(A) of the IPC and he is

sentenced to suffer rigorous imprisonment for one year apart from directing him to pay fine of Rs.1000/- and in default to further undergo simple imprisonment for one month and for the offence punishable under Section 452 of the IPC, he is sentenced to suffer rigorous imprisonment for three years apart from directing him to pay fine of Rs.1000/- and in default to further undergo simple imprisonment for one month by the learned trial Court. Substantive sentences are directly to run concurrently.

2 Heard the learned Advocate appearing for the applicant/accused. He submitted that the substantive sentence of imprisonment has already been suspended by the learned trial Court and considering short sentence imposed on the applicant/accused, he be released on bail.

3 The learned Additional Public Prosecutor opposed the application.

4 I have carefully considered the rival submissions and also perused the impugned Judgment and Order of conviction as well as depositions of witnesses. Short sentence of three years has been imposed on the applicant/accused which has already been suspended by the learned trial Court. Considering the pendency of appeals before this Court, the appeal filed by the applicant/accused may not be heard within a period of three years. In this view of the matter the following Order :

- (i) The application is allowed.
- (ii) The substantive sentence of imprisonment imposed on the applicant is suspended and he is directed to be released on bail on his executing P.R. Bond in the sum of Rs.15,000/- with one surety in like amount.
- (iii) As a condition of this Order, the applicant should not contact in any manner the alleged victim or her relatives. The applicant should not repeat commission of similar offence in future.
- (iv) The application is disposed of accordingly.

(A.M.BADAR J.)