

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1360 OF 2017

IN

CRIMINAL APPEAL NO.804 OF 2017

SUMIT RAJU JAGTAP

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Amit Sale, Advocate for the Applicant.

Mr.S.R.Shinde, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 27th SEPTEMBER 2017

P.C. :

1 This is an application for suspension of sentence and releasing the applicant / accused on bail during pendency of the appeal filed by him. The applicant / accused has been convicted of offences punishable under Section 354 of the Indian Penal Code (IPC) and Section 8 of the Protection of Children from Sexual Offences Act (POCSO Act). He is sentenced to suffer rigorous

imprisonment for 3 years apart from payment of fine of Rs.1,000, and in default, to undergo rigorous imprisonment for 3 months.

2 Substantive sentences imposed on the applicant / accused is already suspended by the trial court. Considering the short sentence imposed on the applicant / accused as well as the fact that in near future, there is no likelihood of hearing his appeal finally, though the learned APP opposed the application, I see no reason to deny bail to the applicant / accused. Therefore the order :

ORDER

- i) The application is allowed.
- ii) Substantive sentence imposed on the applicant / accused is suspended and he 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 victim female or her relatives in any manner during pendency of the appeal.
- iv) The application is disposed of accordingly.

(A. M. BADAR, J.)