

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1375 OF 2016

IN

CRIMINAL APPEAL NO.717 OF 2016

RAVINDRA BHIMRAO MANJAREKAR)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Niranjan Mundargi a/w. Mr.Chandansingh Shekhawat,
Advocate for the Applicant.

Ms.V.S.Mhaispurkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 4th JANUARY 2017.

P.C. :

1 This is an application for suspension of sentence and
for releasing the applicant / accused on bail during pendency of
the appeal, challenging his conviction and sentence.

2 By the impugned judgment and order dated 6th October 2016 in Special Case No.143 of 2014, the learned Special Judge at Pune had convicted the applicant / accused for the offences punishable under Section 354 of IPC and under Section 8 of the Protection of Children from Sexual Offences Act (POCSO Act). For the offence punishable under Section 354 of the IPC, the applicant / accused is sentenced to suffer rigorous imprisonment for 1 year and to pay a fine of Rs.1,000/-, in default, to undergo further rigorous imprisonment for 1 month. For the offence punishable under Section 8 of the POCSO Act, the applicant / accused is sentenced to suffer rigorous imprisonment for 3 years and to pay a fine of Rs.1,000/-.

3 Heard the learned counsel for the applicant / accused. He argued that conduct of the prosecutrix is material and as short sentence is imposed on the applicant / accused and as there is no likelihood of the appeal being decided in near future, the sentence imposed on the applicant / accused needs to be suspended.

4 The learned APP opposed the application by contending that nature of offence is serious and considering the age of the victim girl, the application needs to be rejected.

5 Perused the impugned judgment as well as record made available. The victim girl is stated to be 17 years of age. She left her parental house without disclosing the same to her parents and from Pune went to District Jalna. Then she returned back to Pune on the next day, she called her boyfriend, and had dinner with him. According to the prosecution case, then the victim girl met the present applicant / accused and joined his company by boarding his car. It is alleged that the applicant / accused then outraged her modesty and kissed her.

6 Considering the nature of offence and the fact that the sentence imposed on the applicant is short and as there is no likelihood of deciding the appeal in near future, the applicant / accused deserves to be released on bail by suspending the sentence. Hence the order :

- i) The application is allowed.
- ii) Substantive sentences of imprisonment imposed upon the applicant / accused is suspended during pendency of the appeal and the applicant / accused is directed to be released on bail on executing P.R.Bond in the sum of Rs.15,000/- and on furnishing sureties in like amount.
- iii) As a condition of this order, the applicant / accused shall not indulge in commission of any offence in future.

(A. M. BADAR, J.)