

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1591 OF 2016

IN

CRIMINAL APPEAL NO.838 OF 2016

RAHUL ASHOK SONAWANE

)...APPELLANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

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

Mr.A.R.Kapadnis, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 10th JANUARY 2017.

P.C. :

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

2 Heard the learned counsel appearing for the applicant / accused. He argued that during pendency of the trial, the applicant was on bail and he has not misused his liberty. He is

sentenced to suffer rigorous imprisonment for 3 years and considering the short sentence, he deserves to be released on bail. The learned counsel for the applicant / accused further stated that the learned trial court has suspended the sentence and has released the applicant / accused on bail.

3 The learned APP opposed the bail application.

4 Perused the impugned judgment and order of conviction and sentence. The applicant / accused was convicted of offence punishable under Section 8 of Protection of Children from Sexual Offences Act (POCSO Act) and he is sentenced to suffer rigorous imprisonment for 3 years and to pay a fine of Rs.500/-, in default, to undergo simple imprisonment for 30 days. Though he is convicted of offence punishable under Section 354 of the IPC, no separate sentence was imposed upon him. The applicant / accused was on bail during trial and his sentence is also suspended by the learned trial court. There is no likelihood of the appeal being heard in the near future.

5 In this view of the matter, the following order :

- i) The application is allowed.
- ii) Substantive sentence of imprisonment imposed upon the applicant / accused is suspended and he is directed to be released on bail on executing P.R.Bond in the sum of Rs.15,000/- and on furnishing surety in like amount.

(A. M. BADAR, J.)