

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 631 OF 2018****IN****CRIMINAL APPEAL NO. 467 OF 2018**

Samir Tanaji Babar

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Rahul Kate for the Applicant.

Mr. V.V. Gangurde, APP for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 19th APRIL, 2018.****P.C.:-**

This is an Application for suspension of sentence and for releasing the Applicant on bail.

The Applicant is original Accused No.1.

2 The Applicant is convicted for an offence punishable under Section 354-D r/w Section 34 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for three months and to pay a fine of Rs.5,000/- (Rupees Five Thousand only), in default to further undergo simple imprisonment for 15 days, by the learned Additional Sessions Judge-2, Satara, in Special (POCSO) Case No. 67

of 2016, by its Judgment and Order dated 17th March, 2018.

3 The learned counsel for the Applicant submitted that, the Applicant has already deposited the fine amount in the Registry of the Trial Court. He further submitted that, the Trial Court has released the Applicant on bail under Section 389 (3) of Cr. P. C. by an Order of even date.

4 As the maximum sentence imposed upon the Applicant is three months of rigorous imprisonment and the possibility of hearing of Appeal on merits in the near future is remote, I am inclined to suspend the sentence and release the Applicant on bail. Hence the following order-

- a) During the pendency of the Appeal, the substantive sentence imposed upon the Applicant is suspended and the Applicant is released on bail in Special (POCSO) Case No. 67 of 2016, on his furnishing PR bond of Rs.15,000/- (Rupees Fifteen Thousand only), with one or two local sureties in the like amount.
- b) During the pendency of the Appeal, the Applicant shall attend and mark his presence before the Trial

Court on every first Monday of the month between 11.00 a.m. to 2.00 p.m.. If the said first Monday is a Court holiday/Public holiday, the Applicant shall mark his presence on the immediate next day.

5 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)