

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.36 OF 2018

IN

CRIMINAL APPEAL NO.15 OF 2018

MAVJI LALJI VERAT

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Ms.Bhavna Punalekar, Advocate for the Applicant.

Mr.Prashant Jadhav, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 10th JANUARY 2018

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.

2 Heard the learned advocate appearing for the applicant/accused. She drew my attention to the order dated 11th December 2017 passed by the learned designated Judge under the

Protection of Children from Sexual Offences Act, 2012, for Thane in Special Case No.60 of 2015 below Exhibit 35 and argued that maximum substantive sentence of imprisonment imposed on the applicant/accused is for 3 years. The same is already suspended by the learned trial court. The learned advocate further argued that the applicant/accused was on bail throughout the pendency of the trial and he has not misused his liberty.

3 The learned APP opposed the application by contending that the applicant/accused is found guilty of offences alleged against him after due trial, and therefore, he cannot be released on bail.

4 I have carefully considered the rival submissions and also perused the impugned judgment and order. As stated by the learned advocate for the applicant/accused, it is seen from the order below Exhibit 35 passed in Special Case No.60 of 2015 on 11th December 2017, that the substantive sentences of imprisonment imposed on the applicant/accused has already been

suspended by the learned trial court till expiry of the appeal period. The applicant/accused was on bail during pendency of the trial as seen from Clause (7) of the operative portion of the judgment and order dated 11th December 2017 passed in Special Case No.60 of 2015. The applicant/accused has been convicted of offences punishable under Sections 354, 342, 452 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act and maximum sentence of imprisonment imposed on him is for 3 years. All substantive sentences are directed to run concurrently by the learned trial court. The appeal filed by the applicant/accused may not be heard within a short period of 3 years from today, considering the pendency of jail appeals before this court. In this view of the matter, the following order :

ORDER

- i) The application is allowed.
- ii) Substantive sentences of imprisonment imposed on the applicant/accused is suspended and the applicant/accused 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 prosecution witnesses and more particularly, the victim child as well as her relatives during pendency of the appeal.

iv) The application is accordingly disposed of.

(A. M. BADAR, J.)