

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.97 OF 2018

IN

CRIMINAL APPEAL NO.50 OF 2018

Prashant Vasant Dhepe ... **Applicant**

V/s.

The State of Maharashtra ... Respondent

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Ms.Gulestan M. Dubash i/b. Mr.Durgesh P. Jaiswal, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 31st JANUARY 2018.

P.C. :

1 This is an application for suspension of sentence and
releasing the applicant on bail during pendency of appeal filed by
him.

2 The applicant is convicted of the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 along with Section 354A of the Indian Penal Code and he has been sentenced to suffer rigorous imprisonment for five years apart from payment of fine of Rs.5,000/-

3 Heard the learned Advocate for the applicant/accused. She argued that the appellant is 22 years old boy having no criminal antecedents and he was on bail throughout. He has not misused his liberty. The learned Advocate further argued that the applicant is near relative of the alleged victim and P.W.No.1 Madhavi, who is mother of the alleged victim had also sent a letter to the trial Court mentioning that the applicant is her family member and he may not be convicted.

4 The learned Additional Public Prosecutor opposed the application by contending that the crime in question is serious.

5 I have carefully considered the rival submissions and also perused the copies of depositions of prosecution witnesses as well as the impugned Judgment and Order and resultant sentence.

6 It is seen from the evidence on record that the applicant/accused is a young boy and he is relative of the prosecuting party. Allegations against him are to the effect that he made the alleged victim of the crime in question to sit on his lap and asked her to put her hand in his pant. The learned trial Court has awarded short sentence of five years of imprisonment apart from fine on the applicant/accused. He has already deposited the amount of fine. The record shows that the applicant was on bail throughout and he has not misused the liberty granted to him.

The appeal filed by the applicant may not be heard within a short period of five years considering the pendency of jail appeals before this Court. Hence, the Order :

- (i) The application is allowed.
- (ii) The substantive sentence of imprisonment 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 the like amount.
- (iii) As a condition of this Order, the applicant is directed not to contact the alleged victim of the crime in question as well as her relatives including prosecution witnesses in any manner.
- (iv) The application is disposed of accordingly.

(A.M.BADAR J.)