

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.129 OF 2018

IN

CRIMINAL APPEAL NO.71 OF 2018

WITH

CRIMINAL APPLICATION NO.130 OF 2018

IN

CRIMINAL APPEAL NO.71 OF 2018

Jasbeersingh Mahendrasing Baas ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

.....

Ms.Rajlaxmi Punjabi i/b. Mr.Jaspinder Singh Padam, Advocate for the Applicant.

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

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CORAM : A.M.BADAR J.

DATED : 21st FEBRUARY 2018.

P.C. :

1 These are applications for suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal filed by him, which is already admitted for final hearing.

2 Heard the learned Advocate appearing for the applicant/accused. She argued that the applicant was on bail

during pendency of the trial and even after his conviction the substantive sentence imposed on him has been suspended by the learned trial Court.

3 The learned Additional Public Prosecutor opposed the application.

4 The applicant/accused is convicted for the offences punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 as well as under Section 363 of the Indian Penal Code and he has been sentenced to suffer rigorous imprisonment for three years and one year on each count apart from imposition of some fine and default sentence.

5 Undisputedly, the applicant was on bail during trial and he has not misused his liberty as seen from the record. Short sentence of imprisonment of three years imposed on the applicant/accused has also been suspended by the learned trial Court. In this view of the matter, as the appeal filed by the applicant/accused may not be heard within a period of three years from today, considering the pendency of appeals before this Court, I proceed to pass the following Order :

(i) The applications are allowed.

- (ii) The substantive sentence of imprisonment imposed on the applicant/accused is suspended and he is directed to be released on bail in the sum of Rs.15,000/- and on furnishing surety in the like amount.
- (iii) As a condition of this Order, the applicant/accused should not contact the minor female victim and her relatives in any manner during pendency of the appeal and he should not repeat commission of similar offences in future.
- (iv) The applications are disposed of accordingly.

(A.M.BADAR J.)