

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.168 OF 2018

IN

CRIMINAL APPEAL NO.103 OF 2018

Amar Shivaji Rokade ... **Applicant**

V/s.

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

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Mr.Rupesh P. Bhalshankar, Advocate for the Applicant.

Mr.P.H.Gaikwad-Patil, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 5th FEBRUARY 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. He argued that substantive sentence of imprisonment imposed against the present applicant had also been suspended by the learned trial Court and the same course needs to be adopted as the appeal filed by him may not be heard in near future. The learned Advocate further argued that the

applicant/accused has already been acquitted of the offence punishable under Protection of Children from Sexual Offences Act, 2012 and short sentence of imprisonment is imposed on him.

3 The learned Additional Public Prosecutor opposed the application by contending that alleged offences are duly proved against the applicant.

4 The applicant is convicted of the offences punishable under Sections 323, and 354 of the Indian Penal Code. On each count, he is sentenced to suffer rigorous imprisonment for six months apart from imposition of some fine. It is reported that the applicant has already paid fine in the trial Court. The applicant/accused was already on bail and is now also released on bail bond by suspending his sentence by the trial Court. It is not seen that the applicant has misused his liberty while on bail. Short sentence of imprisonment is imposed on the applicant/accused and, therefore, 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 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 alleged victim of the crime in question as well as her relatives in any manner during pendency of the appeal filed by him.

(iv) The application is disposed of accordingly.

(A.M.BADAR J.)