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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 182 OF 2018
IN
CRIMINAL APPEAL NO. 116 OF 2018**

Uday Mewalal Kori

..Applicant

Vs

The State of Maharashtra & Anr.

..Respondents

Mr. Sandeep S. Dhuri for applicant.

Mr. V.V. Gangurde, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 2nd APRIL 2018.

P.C.:

1] This is an application for suspension of sentence and for releasing the applicant on bail.

2] By the Judgment and Order dated 18th December 2017 passed by the Special Judge under P.O.C.S.O Act, Greater Mumbai in Special Case No.1124 of 2013, the applicant is convicted under Section 10 of POCSO Act and under Sections 342 and 354 of the Indian Penal Code and is sentenced to suffer maximum rigorous imprisonment of five years and to a pay of Rs.1000/- and also to pay compensation of Rs.15,000/-.

3] The learned Counsel for the applicant submitted that, during the pendency of the trial the applicant was released on bail and there is no report of breach of any of the bail conditions. He submitted that the applicant will deposit the balance amount of fine/compensation, if any, in the Registry of the Trial Court within two weeks from today, if not already deposited.

4] As the maximum sentence imposed upon the applicant is of five years of rigorous imprisonment and as the possibility of hearing of appeal on merits in near future is remote, I am inclined to release the applicant.

Hence the following Order:-

(i) During the pendency of the appeal, the substantive sentence imposed upon the applicant is suspended.

(ii) During the pendency of the appeal, the applicant be released on bail on his furnishing PR bond in the sum of Rs.25,000/- with one or two solvent local sureties in the like amount.

(iii) After his release from jail and during the pendency of appeal, the applicant shall attend the Trial Court on every 1st Monday of the month between 11.00 a.m to 2.00 p.m and mark his presence. If 1st Monday of the month is a holiday, the applicant shall mark his presence in the Trial Court

on the immediate next day.

(iv) After his release from jail and during the pendency of appeal the applicant shall not enter the jurisdiction of Dharavi Police Station and shall keep himself away from the said locality.

(v) The deposit of fine amount and compensation is the condition precedent for releasing the applicant on bail.

5] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)