

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.190 OF 2018

IN

CRIMINAL APPEAL NO.126 OF 2018

Sandesh Govind Bhor ... **Applicant**

V/s.

The State of Maharashtra ... Respondent

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Ms.Tanaya Patankar i/b. Mr.Veerdhaval Kakade, Advocate for the Applicant.

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

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CORAM : A.M.BADAR J.

DATED : 16th FEBRUARY 2018.

P.C. :

1 This is an application for suspension of substantive
sentence imposed on the applicant/accused No.2 and releasing
him on bail during pendency of the appeal filed by him.

2 The applicant/accused No.2 is convicted of offences punishable under Section 354 of the Indian Penal Code as well as under Section 8 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as 'the POCSO Act' for the sake of brevity). For the offence punishable under Section 354 of the

IPC, he is sentenced to suffer rigorous imprisonment for one year and for the offence punishable under Section 8 of the POCSO Act, he is sentenced to suffer rigorous imprisonment for three years. Both these sentences are directed to run concurrently by the learned trial Court.

3 I heard the learned Advocate appearing for the applicant/accused No.2. He argued that the applicant/accused No.2 was on bail during trial. He has not misused his liberty. The substantive sentences of imprisonment imposed on the applicant/accused No.2 had already suspended by the learned trial Court.

4 The learned Additional Public Prosecutor opposed the application.

5 I have carefully considered the rival submissions and also perused the impugned Judgment and Order of conviction and resultant sentence.

6 The learned trial Court has held that by catching hold of her hand, the applicant/accused No.2 and the co-accused had committed sexual assault on the victim, who was 16 years and 4 months of age at the relevant time.

7 The short sentence of imprisonment is imposed on the applicant/accused No.2 and the same is already suspended by the learned trial Court. Within a period of three years, the appeal filed by the applicant may not be heard considering the pendency of appeals of the convicts, who are behind bar since the year 2010. The applicant/accused No.2, who has not misused his liberty while on bail, is, therefore, entitled for the relief claimed. As such, the Order :

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence of imprisonment imposed on the applicant/accused No.2 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/accused No.2 should not contact the victim of the crime in question as well as the prosecution witnesses in any manner and he should not repeat the commission of similar offence in future.
- (iv) The application is disposed of accordingly.

(A.M.BADAR J.)