

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.269 OF 2018

IN

CRIMINAL APPEAL NO.175 OF 2018

Ashir Chouriratnam George ... **Applicant**

V/s.

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

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Mr.Bhavesh M. Thakur, Advocate for the Applicant.

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

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CORAM : A.M.BADAR J.

DATED : 21th 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 The applicant/accused is convicted of the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and he has been sentenced to suffer rigorous imprisonment for three years apart from direction to pay fine of Rs.5,000/- and in default to undergo further rigorous imprisonment for six months.

3 The offence of sexual assault on a minor is held to be proved against the present applicant/accused and he is sentenced to suffer rigorous imprisonment for three years. During pendency of the appeal, the applicant was on bail. There is nothing on record to suggest that he has misused his liberty. Short sentence of imprisonment awarded to the applicant/accused is suspended by the learned trial Court. Considering the pendency of the appeals before this Court, the appeal filed by the applicant/accused may be not heard within a short period of three years. Hence, the following 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 minor victim as well as his relatives in any manner during pendency of the appeal and he should not repeat similar offence in future.
- (iv) The application is disposed of accordingly.

(A.M.BADAR J.)