

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 400 OF 2018

IN

CRIMINAL APPEAL NO. 240 OF 2018

Ganesh Jagannath Bhise

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Ajit Kenjale a/w Akshay Kamble a/w Sahail Gulabani i/by Ajit Kenjale for the Applicant.

Mr. V.V. Gangurde, APP for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 26th MARCH, 2018.

P.C.:-

This is an Application for suspension of sentence and for releasing the Applicant on bail.

2 Heard the learned counsel for the Applicant and the learned APP for the Respondent-State. Perused the record.

3 The Applicant is convicted under Section 354 of the Indian Penal Code and under Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment for five years and to pay a fine of Rs.1,000/- (One Thousand only), in default of payment, further suffer rigorous

imprisonment of two months, by the learned Additional Sessions Judge, Greater Bombay in POCSO Special Case No. 14 of 2014 by an Order dated 5th March, 2018.

4 After taking into consideration the evidence of the prosecutrix and the fact that the Applicant has been sentenced to suffer maximum rigorous imprisonment of five years and the possibility of hearing of the Appeal in near future is remote, I am inclined to release the Applicant on bail. Hence the following order-

- a) During the pendency of the Appeal, the substantive sentence imposed upon the Applicant is suspended and the the Applicant is released on bail in POCSO Special Case No. 14 of 2014 on his furnishing PR bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one or two solvent local sureties in the like amount.
- b) During the pendency of the Appeal, the Applicant shall attend and mark his presence before the Trial Court on every first Monday of the month between 11.00 a.m. to 2.00 p.m.. If the said first Monday is a Court holiday/Public holiday, the Applicant shall

mark his presence on the immediate next day.

5 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)