

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

**CRIMINAL APPLICATION NO. 427 OF 2017
IN
CRIMINAL APPEAL (ST)NO.252 of 2017**

Rahul Vasant Makasare ...Applicant

Versus

The State of Maharashtra ...Respondent

Ms.Sukanya Kolhe on behalf of the Anand Patil for the
applicant.

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

**CORAM: A.M. BADAR, J.
DATED: 8th JANUARY 2018**

PC:-

1. This is an application for suspension of sentence and releasing the applicant/accused on bail during the pendency of the appeal filed by him.

2. Heard the learned advocate appearing for the applicant/accused. She argued that short sentence of imprisonment is imposed on the applicant/accused and the same has been suspended by the learned Trial Court in exercise of powers under Section 389 of the Criminal Procedure Code.

3. The learned APP opposed the application by contending that after conviction the applicant is not entitled to be released on bail.

4. I have carefully considered the rival submissions and also perused the impugned judgment and order of conviction and resultant sentence. The applicant/accused is acquitted of the offence punishable under Section 7 r/w 8 of the Protection of Children from Sexual Offences Act, 2012 but he is convicted of the offence punishable under Section 354 of the Indian Penal Code by the learned Trial Court. Short sentence of imprisonment for one year is imposed on the

applicant apart from directing him to pay a fine of Rs. 500/-. The applicant was on bail during the trial and substantive sentence of imprisonment imposed on him has already been suspended by the learned Trial Court. In this view of the matter, the following order.

ORDER

- i) The application is allowed.
- ii) Substantive sentence of imprisonment imposed on the applicant is suspended and he is directed to be released on bail on executing his P.R bond of Rs.15,000/- and on furnishing surety in the like amount.
- iii) The application is disposed of accordingly.

(A.M. BADAR, J)