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

**CRIMINAL APPLICATION NO. 526 OF 2018
IN
CRIMINAL APPEAL NO. 372 OF 2018**

Shivajiset Periyaswami Arjun

..Applicant

Vs

The State of Maharashtra

..Respondent

Ms. Prachita Vare i/b Prakash V. Vare for applicant.

Mr. V.V. Ganrude, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 10th APRIL 2018.

P.C.:

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

2] The applicant is convicted under Sections 354-A and 509 read with 12 of the Protection of Children From Sexual Offences Act, 2012 (POCSO Act) and is sentenced to suffer maximum rigorous imprisonment of four months and to pay a fine of Rs.4000/-, in default of payment of fine to further suffer simple imprisonment for one month by the learned Designated Court under POCSO Act, Greater Mumbai in POCSO Special Case No. 496 of 2014, by its Judgment and Order dated 3rd February 2018.

3] Heard the learned Counsel for the applicant and the learned APP. Perused the record.

The learned Counsel for the applicant submitted that, the applicant has already deposited the fine amount in the Registry of the Trial Court. She further submitted that the applicant has been released on bail by the Trial Court under Section 389(3) of Cr. P.C. by Order of even date.

4] As the maximum sentenced imposed upon the applicant is of four months of rigorous imprisonment and as the possibility of appeal being heard on merits in near future is remote, I am inclined to release applicant on bail.

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 first 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.

5] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)