

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.528 OF 2018

IN

CRI. APPEAL NO.230 OF 2018

Shailesh N. Dave vs. State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S.D. Bhujbal for the Applicant.

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

CORAM : A.S.GADKARI, J.

DATE : 26th April, 2018

P.C.

1. This is an application for suspension of substantive sentence and releasing the applicant on bail in POCSO Case No.187/2014.

2. Heard Shri. Bhujbal, learned counsel for the applicant and the learned APP for the State.

3. The applicant is convicted under Section-354A of the Indian Penal Code and Section 8 of the Protection of Children from Sexual offences Act, 2012 and is sentenced to suffer rigorous imprisonment for five years and to pay a fine of Rs.25,000/- in default of payment of fine to further undergo rigorous imprisonment for six by the learned Designated Court under POCSO Act for Greater Bombay in POCSO Case

No.187/2014 by its Judgment and Order dated 22.1.2018. .

3. The learned counsel for the applicant submitted that the applicant has already deposited the fine amount in the registry of the Trial Court. He further submitted that the applicant was on bail during the trial.

4. As the maximum sentence imposed upon the applicant is five years of rigorous imprisonment and the possibility of appeal being heard on merits in near future is remote, I am inclined to suspend the substantive sentence and to release the applicant on bail.

Hence, the following order.

a) During the pendency of the present appeal, the substantive sentence imposed upon the applicant is suspended.

b) During the pendency of the appeal, the applicant be released on bail in POCSO Case No.187 of 2014 on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

c) During the pendency of appeal, the applicant shall mark his presence before the Trial Court on every first Monday of the month between 11.00 a.m. to 2.00p.m. If the said first Monday is Court holiday/public holiday the applicant shall mark his presence on immediate next day.

- d) Application is allowed in the aforesaid terms.
- e) All the concerned to act on a copy of this order duly authenticated by the registry of this Court.

(A.S.GADKARI, J.)