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

**CRIMINAL APPLICATION NO. 529 OF 2018
IN
CRIMINAL APPEAL NO. 230 OF 2018**

Jyoti Naresh Dave

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Manjunath Hegde i/b S.D Bhujbal for applicant.

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

CORAM : A.S.GADKARI, J.

DATE : 17th APRIL 2018.

P.C.:

1] 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. Perused the record.

3] The applicant is the original accused No.2. The applicant is convicted under Sections 17 of the Protection of Children From Sexual Offences Act, 2012 (POCSO Act) and is sentenced to suffer rigorous imprisonment of three years and to pay a fine of Rs.1000/-, in default of payment of fine to further undergo rigorous imprisonment for one month by the learned Designated Court under POCSO Act, Greater Mumbai in

POCSO Case No. 187 of 2014, by its Judgment and Order dated 22nd January 2018.

4] 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 has been released on bail by the Trial Court under Section 389(3) of Cr. P.C. by an Order of even date.

As the maximum sentenced imposed upon the applicant is of three years of rigorous imprisonment and 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 her furnishing PR bond in the sum of Rs.25,000/- with one or two solvent local sureties in the like amount.
- (iii) After her 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 her 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.)