

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 718 OF 2018
IN
CRIMINAL APPEAL NO.488 OF 2018

Domnic Ambruce ...Applicant.

vs.

The State of Maharashtra ...Respondent.

Mr. Indrajit Joshi i/by R.P.Walvekar for the Applicant.
Mrs. Anamika Malhotra, 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 Special Child Sessions Case No. 48/2017.
2. Heard Shri. Redekar, learned counsel for the applicant and the learned APP for the State.
3. The applicant is convicted under Section 354 of the Indian Penal Code and under Section 12 of the Protection of Children from Sexual Offences Act, 2012 and is sentenced to suffer rigorous imprisonment for one year and to pay a total fine of Rs.1000/-by the Additional Sessions Judge, Pune in Special Sessions Case No. 309/2014 by its Judgment and Order

dated 28.2.2018.

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 under Section 389(3) of the Cr.P.C. by the Order of even date by the Trial Court.

5. As the maximum sentence imposed upon the applicant is one year 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 Special Child Sessions Case No.48 of 2017 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.

(A.S.GADKARI, J.)