

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 721 OF 2018

IN

CRIMINAL APPEAL NO.512 OF 2018

Yash Avinash Oza 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.S. Redekar i/by K.S. Garg 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 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 7 read with 8 of the Protection of Children from Sexual offences Act, 2012 and under Section 354-A(1)(i) of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for three years and one year respectively on the said two counts and to pay a total fine of Rs.1000/- by the learned Special Judge, (under POCSO

Act) and Additional Sessions Judge, Pune in Special Child Sessions Case No.48/2017 by its Judgment and Order dated 6.4.2018. By the said Judgment and Order the Trial Court has directed that both the sentence shall run concurrently.

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.PC. by the Order of even date by the Trial Court.

5. As the maximum sentence imposed upon the applicant is three 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 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.)