

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 802 OF 2018

IN

CRIMINAL APPEAL NO. 564 OF 2018
Shankar S. Pote 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. Satyavrat Joshi for the Applicant.

Mr. Vinod Chate, APP for the Respondent-State.

CORAM : A.S.GADKARI, J.

DATE : 24th May, 2018

P.C.

1. This is an application for suspension of substantive sentence and releasing the applicant on bail in Sessions Case No. No.82/2015.

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

3. The applicant is convicted under Section 354-D of the Indian Penal Code and is sentenced to suffer maximum rigorous imprisonment for one year and to pay a fine of Rs.1000/-, in default of payment of fine to further under go rigorous imprisonment for one month by the Special

Judge, Pune (Under the Protection of Children from Sexual Offences Act) in Special (Child) Sessions Case No.82/2015 by its Judgment and Order dated 7.4.2018. The learned counsel for the applicant submitted that the applicant has already deposited the fine amount in the registry of the Trial Court and the applicant has been released on bail under Section 389(3) of the Cr. P. C. by the Trial Court by its Order dated 7.4.2018.

3. 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.82/2015 on his furnishing PR bond of Rs.25,000/- with

one or two solvent local sureties in the like amount.

- c) After his release from Jail, 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.)