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

**CRIMINAL APPLICATION NO. 860 OF 2017
IN
CRIMINAL APPEAL NO. 76 OF 2018**

Sanjay Chandrakant Kamble

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Sagar Tambe i/b Ritesh Thobde for applicant.

Ms. V.S. Mhaispurkar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 2nd APRIL 2018.

P.C.:

1] This is an application for suspension of sentence and for releasing the applicant on bail.

2] By the Judgment and Order dated 1st April 2017 passed by the Additional Sessions Judge, Solapur in Sessions Case No.4 of 2015, the applicant is convicted under Section 376(2)(i) of the Indian Penal Code and under Section 4 of the Protection of Children From Sexual Offences Act (POCSO Act) and sentenced to suffer rigorous imprisonment of ten years and to pay a total fine of Rs.9000/-.

3] Heard the learned Counsel for the applicant and the learned APP. Perused the record,

The prosecutrix was aged about 16 years at the time of incident. The evidence of the Medical Officer indicates that, the prosecutrix has given history to him about the alleged incident, that she was knowing the applicant since three years prior to the date of incident and on the date of incident she eloped with applicant and had been to his farm for about one day. The evidence on record indicates that, the prosecutrix was having affair with the applicant which blossomed into relationship.

4] The learned Counsel for the applicant submitted that during the pendency of the trial the applicant was released on bail and there is no report of any breach of bail conditions.

5] In view of the above, 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 his furnishing PR bond in the sum of Rs.25,000/- with one or two solvent local sureties in the like amount.

(iii) After his release from jail and during the pendency of appeal the applicant shall attend the Trial Court on every 1st Monday of the month between 11.00 a.m to 2.00 p.m and mark his 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.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)