

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.875 OF 2018

IN

CRIMINAL APPEAL NO. 715 OF 2018

Jitendra Alias Chhotu Bhadrinath

Vishwakarma

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr.Tamsin Monis for the applicant.

Mr.S.V. Gavand, APP for the respondent /State.

CORAM : A.M.BADAR J.

DATED : 27th JUNE 2018.

P.C. :

1. This is an application for suspension of sentence and for releasing the applicant /accused on bail during the pendency of the appeal filed by him.

2. The applicant/accused is convicted of offence punishable under Section 8 of the Protection of Children from Sexual Offences Act (POCSO Act). He is sentenced to suffer rigorous imprisonment for three years apart from direction to pay fine of Rs.5,000/- and in default to undergo further rigorous imprisonment for one month.

3. Heard both sides.

4. Substantive sentenced imposed on the applicant/accused has already been suspended by the learned Trial Court. Considering the pendency of the appeal before this Court the instant appeal is not likely to be heard in short time. In this view of the matter, the following order;

:: ORDER ::

- (i) Substantive sentence of imprisonment imposed on the applicant/accused is suspended and he is directed to be released on bail on his executing P.R. Bond in the sum of Rs.15,000/- and on his furnishing surety in the like amount.
- (ii) As a condition of this order, the applicant should not contact the victim, the prosecution witnesses or her relatives in any manner and he should not repeat commission of similar offence in future.
- (iii) The application is accordingly disposed of.

(A.M.BADAR J.)