

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION 864 OF 2018

IN

CRIMINAL APPEAL NO.703 OF 2018

WITH

CRIMINAL APPLICATION 884 OF 2018

IN

CRIMINAL APPEAL NO.703 OF 2018

Rohit @ Lohit Mohanraj Arven ... **Applicant**
V/s.

The State of Maharashtra & Anr. ... **Respondents**

.....

Mr.Rishi Bhuta i/b. Ms.Seema S. Singh, Advocate for the Applicant.

Mr.A.R.Kapadnis, APP for the Respondent/State.

....

CORAM : A.M.BADAR J.

DATED : 31st JULY 2018.

P.C. :

1 These are applications for suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal filed by him.

2 The applicant/accused is convicted of the offence punishable under Section 9(m) punishable under Section 10 of the

Protection of Children from Sexual Offences Act and sentenced to suffer rigorous imprisonment for five years apart from imposing of fine of Rs.1,000/- and default sentence of rigorous imprisonment for three months.

3 Heard the learned Advocate appearing for the applicant/accused. He argued that the applicant was on bail during pendency of the trial. He has not misused his liberty. Shot sentence of imprisonment is awarded against the applicant.

4 The learned Additional Public Prosecutor opposed the application by contending that he applicant has breached the trust reposed on him by parents of the minor female child and, therefore, no case for grant of bail is made out.

5 I have carefully considered the rival submissions and also perused the entire.

6 Allegations against the applicant are to the effect that he embraced minor child and put his hand on her private part.

7 Short sentence of imprisonment is awarded to the applicant and he was on bail during pendency of the trial. He has not misused his liberty. Considering the pendency of the appeal before this Court, the appeal filed by the applicant may not be heard in near future.

8 In this view of the matter, the following Order :

ORDER

- (i) The applications are allowed.
- (ii) The 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 of Rs.15000/- and on furnishing surety in the like amount.
- (iii) As a condition of this Order, the applicant/accused should not repeat commission of offence in future and he should not contact the victim female child or her relatives in any manner.
- (iv) The applications are disposed of accordingly.

(A.M.BADAR J.)

Raju
Dattatraya
Gaikwad

Digitally signed by
Raju Dattatraya
Gaikwad

Date: 2018.07.31
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