

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.935 OF 2018

IN

CRIMINAL APPEAL NO.770 OF 2018

Pravin Dashrath Parab ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

.....

Ms.Smita S. Gavas, Advocate for the Applicant.

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

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CORAM : A.M.BADAR J.

DATED : 21st JUNE 2018.

P.C. :

1 Leave to amend prayer clause forthwith.

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

3 The applicant/accused has been convicted for offences punishable under Section 354, 354-A(1)(i) of the Indian Penal Code read with Section 8 of the Protection of Children from

Sexual Offences Act and Sections 451, 504 and 506 of the Indian Penal Code. Different sentences are awarded on each count. The highest amongst them being the one for the offence punishable under Section 354-A(1)(i) read with Section 8 of the Protection of Children from Sexual Offences Act for which he is sentenced to suffer rigorous imprisonment for three years. Substantive sentences are directed to run concurrently.

4 Heard the learned Advocate appearing for the applicant/accused. She argued that there are inconsistency and variances in the evidence of the prosecution and substantive sentence of imprisonment has already been suspended by the learned trial Court.

5 The learned Additional Public Prosecutor opposed the application.

6 I have carefully considered the rival submissions and also perused the material placed on record. Averments are to the effect that the applicant taking advantage of the fact that the victim child was all alone in the house embraced her, pressed her chest and kissed her. The substantive sentence of imprisonment has already been suspended by the learned trial Court. The appeal is not likely to be heard within a short period of time. Hence, the following Order :

ORDER

- (i) The application is 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 in the sum of Rs.15,000/- and on furnishing one surety in the like amount.
- (iii) As a condition of this Order, the applicant/accused should not contact the victim child or prosecution witnesses in any manner and he should not repeat commission of similar offence in future.
- (iv) Parties to act on authenticated copy of this Order.

(A.M.BADAR J.)