

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.963 OF 2018

IN

CRIMINAL APPEAL NO.793 OF 2018

Ashwin Nafesing Chandaliya ... **Applicant**

V/s.

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

.....

Mr.G. L. Thonge, 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 This is an application for suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal filed by him.

2 The applicant/accused has been convicted of the offences punishable under Section 354 of the Indian Penal Code as well as under Section 12 of the Protection of Children from Sexual Offences Act. On both counts, he is sentenced to suffer rigorous imprisonment for three years each apart from payment of Rs.2,000/- each and in default to undergo rigorous imprisonment for two months each.

3 Heard the learned Advocate appearing for the applicant as well as the learned Additional Public Prosecutor appearing for the respondent/State.

4 Short sentence of imprisonment of three years has been imposed on the applicant and the same is reportedly suspended by the learned trial Court. During pendency of the trial, the applicant/accused was on bail. It is seen that he has not misused his liberty while on bail. The appeal filed by him is not likely to be heard in short period. Therefore, the 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 of Rs.15000/- and on furnishing surety in the like amount.
- (iii) As a condition of this Order, the applicant/accused should not contact the victim child and other prosecution witnesses in any manner and he should not repeat commission of similar offence in future.
- (iv) The application is disposed of accordingly.

(A.M.BADAR J.)

Raju
Dattatraya
Gaikwad

Gaikwad RD

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