

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1082 OF 2018

IN

CRIMINAL APPEAL NO.869 OF 2018

WITH

CRIMINAL APPLICATION NO.1083 OF 2018

IN

CRIMINAL APPEAL NO.869 OF 2018

Anand Balkrishna Talekar ... **Applicant**

V/s.

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

Mr.Ahok M. Saraogi for the applicant.

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

CORAM : A.M.BADAR J.

DATED : 2nd AUGUST 2018.

P.C. :

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

2. The applicant / accused is convicted of offence punishable under Section 9(m) of the Prevention of Children from Sexual Offences Act, 2002 and he is sentenced to suffer rigorous imprisonment for five years apart from payment of fine of Rs.2,000/- and in default sentence to suffer simple imprisonment for sixty days. No separate punishment was imposed on him despite conviction under Section 354 of the Indian Penal Code.

3. Heard the learned Counsel appearing for the applicant/accused. He argued that during pendency of the trial, the applicant was on bail and he has not misused his liberty. He further argued that evidence of the alleged victim of crime in question as well as of her mother suffer from improvement. The learned Additional Public Prosecutor opposed the applications by contending that the applicant was teacher imparting tuition to the victim child and he therefore need not be released on bail.

4. I have carefully considered the submissions so advanced and perused the copies of deposition of the prosecution witnesses.

5. The victim child has deposed that after attending classes while returning home the applicant who was tuition teacher had moved his hand on her chest. That is how the applicant came to be convicted and sentenced for commission of aggregated sexual assault on the victim and sentence of five years has been awarded to the applicant/accused. The applicant has deposited the fine as well as amount of compensation. The applicant was on bail during pendency of the trial and it is not seen he has misused his liberty. The appeal filed by him may not be heard in near future. Therefore, the order;

:: ORDER ::

- (i) Substantive sentence of imprisonment imposed on the applicant 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 condition of this order, the applicant should not repeat commission of similar offence in future.
- (iii) Failure to abide by this condition will entail the

prosecution to apply for cancellation of bail granted by
this Court.

- (iv) Initially for period of four weeks the applicant be
released on furnishing cash security in the sum of
Rs.15,000/-.
- (v) The applications are accordingly disposed of.

Vina
Arvind
Khadpe

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Vina Arvind
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(A.M.BADAR J.)