

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1084 OF 2018

IN

CRIMINAL APPEAL NO.870 OF 2018

Vishal Gajanan Chavan ... **Applicant**
V/s.

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

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Mr.Niranjan Mundargi i/b. Mr.Omkar P. Mulekar, Advocate for the Applicant.

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

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CORAM : A.M.BADAR J.

DATED : 26th JULY 2018.

P.C. :

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

2 The applicant/accused is convicted of the offences punishable under Sections 354-A(i) (ii) & 354(D) of the Indian Penal Code and under Sections 8 and 10 of the Protection of Children from Sexual offences Act (hereinafter referred to

as'POCSO' for the sake of brevity). For the offence punishable under Section 8 of the POCSO, he is sentenced to suffer rigorous imprisonment for three and half years. For the offence punishable under Section 10 of the POCSO, he is sentenced to suffer rigorous imprisonment for five years. Some fine is also imposed on him, so also the default sentence. No separate punishment is imposed on him in respect of the offences under Indian Penal Code. Substantive sentences are directed to run concurrently.

3 I heard the learned Counsel appearing for the applicant as well as the learned Additional Public Prosecutor appearing for the respondent/State.

4 According to the prosecution case, the applicant/accused had committed aggravated sexual assault on two sisters who are examined as P.W.No.2 as well as P.W.No.5. According to the prosecution case, the applicant/accused used to embrace them and kiss them. Short sentence of imprisonment of five years has been imposed on him. The appeal may not be heard within that period, considering the pendency of the appeals before this Court. 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 directed to be

released on bail on his executing P.R.Bond of Rs.25,000/- and on furnishing one or two solvent sureties in the like amount.

(iii) As a condition of this Order, the applicant should not contact either the victim children or their relatives in any manner.

(iv) The application is accordingly disposed

(A.M.BADAR J.)

**Raju
Dattatraya
Gaikwad**

Digitally signed by
Raju Dattatraya
Gaikwad

Date: 2018.07.26
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