

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1175 OF 2018

IN

CRIMINAL APPEAL NO.901 OF 2018

Rambahal Santram Chauhan... **Applicant**

V/s.

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

.....

Mr.Neville D. Deboo i/b. Mr.Abhay B. Bhoir, Advocate for the Applicant.

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

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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 is convicted of the offences punishable under Section 354(A) of the Indian Penal Code as well as under Sections 8 and 12 of the Protection of Children from Sexual Offences Act (hereinafter referred to as 'POCSO' for the

sake of brevity). For the offences punishable under Section 354(A) of the Indian Penal Code and under Section 12 of the POCSO, the applicant is sentenced to suffer rigorous imprisonment for one year apart from payment of fine of Rs.5,000/- and default sentence of rigorous imprisonment for one month on each count. For the offence punishable under Section 8 of the POCSO, the applicant/accused is sentenced to suffer rigorous imprisonment for three years apart from payment of fine of Rs.20000/- and to undergo further rigorous imprisonment for three months in case of failure to pay fine.

3 Heard the learned Advocate appearing for the applicant/accused so also the learned Additional Public Prosecutor for the respondent/State.

4 During pendency of the trial, the applicant/accused was on bail. There is nothing on record to show that he has misused his liberty. Short sentence of imprisonment awarded on him has already been suspended by the learned trial Court. Considering the pendency of the appeal before this Court, the appeal filed by the applicant/accused may not be heard in near future. 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 minor child and the 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**

Digitally signed by
Raju Dattatraya
Gaikwad

Date: 2018.08.01
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