

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1353 OF 2018

IN

CRIMINAL APPEAL NO.992 OF 2018

Arjun Choudappa Mashalkar ... **Applicant**
V/s.

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

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Ms.Prachita P. Vare i/b. Mr.Prakash V. Vare, Advocate for the Applicant.

Mr.P.H.Gaikwad-Patil, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 25th SEPTEMBER 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 for the offences punishable under Section 354 of the Indian Penal Code as well as under Section 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as 'POCSO' for the sake

of brevity). On each count, he has been sentenced to suffer rigorous imprisonment for three years apart from imposition of some fine. The substantive sentences are directed to run concurrently.

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

4 Short sentence of imprisonment of three years has been imposed in the applicant/accused. During pendency of the trial, he was on bail. He has already deposited the entire amount of fine imposed on him. The appeal filed by him may not be heard within short period of three years. Hence, 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.15,000/- and on furnishing surety in the like amount.
- (iii) As a condition of this order, the applicant/accused should not contact the victim child or her relatives 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

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Gaikwad
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