

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1459 of 2018
IN
CRIMINAL APPEAL NO.1066 of 2018

Vijay Ramy Kurahade	.. Applicant
Versus	
The State of Maharashtra	.. Respondents

...

Mr. C.R.Mishra I/b Mr.Pradeep Dubey for the applicant.
Mrs.P.P. Shinde APP for the State

CORAM: SMT. BHARATI H.DANGRE, J.

DATED : 10th SEPTEMBER, 2018

P.C:-

1 Appeal is already admitted on 5th September 2018.
Criminal Application No.1459 of 2018 is taken up for hearing.
Learned counsel for the applicant submits that the Appeal has
been admitted and by the impugned judgment passed by the
Sessions Court on 13th July 2018, the appellant has been
convicted for the offence punishable under Section 48 of the
Protection of Children from Sexual Offences Act (for short

'POCSO') and was sentenced to suffer Rigorous Imprisonment for three years, and to pay a fine of Rs.2,000/- and in default to undergo Simple Imprisonment of two months. He was also directed to pay compensation of Rs.30,000/-.

2 Learned counsel for the applicant would submit that since the Appeal is admitted and he has complied with the order of payment of fine of Rs.2,000/-, he would submit that the applicant was on bail throughout the trial and he has never misused his liberty. On the last occasion, the learned APP was directed to seek instructions about the said statement being made. Today, the learned APP Ms.Shinde makes a categorical statement that the applicant was on bail and there are no instances reported in respect of he misusing his liberty. In such circumstances, in view of the admission of the appeal and the fact that the final hearing of the Appeal would consume some considerable time, I am inclined to pass the following order :

O R D E R

- (i) Application No.1459 of 2018 is allowed in terms of prayer clause (ii).

- (ii) The sentence and the order of conviction dated 13th July 2018 passed by the Special Court under the POCSO Act is suspended.
- (iii) The applicant is directed to be released on bail on executing a personal bond of Rs.15,000/- and on furnishing one surety of the like amount.
- (iv) The applicant should keep the concerned police station updated of his residential address.

SMT. BHARATI H. DANGRE, J.

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