

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APP NO.1575 OF 2018
IN
CRIMINAL APPEAL NO.1126 OF 2018
WITH
CRIMINAL APP NO.1576 OF 2018
IN
CRIMINAL APPEAL NO.1126 OF 2018**

Kashinath Krushna Bhoir ... **Applicant**
V/s.
The State of Maharashtra ... **Respondents**

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Mr.Kunal Ambulkar with Mr.Niranjam Mundargi h/f. Mr.Randhir Singh, Advocate for the Applicant.

Mrs.M.R.Tidke, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 30th OCTOBER 2018.

P.C. :

1 These are applications for suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal filed by him. The applicant/accused is convicted for the offences punishable under Sections 452 and 354 of the Indian Penal Code as well as under Section 8 of the Protection of

Children from Sexual Offences Act, 2012. On each count, he is sentenced to suffer rigorous imprisonment for three years apart from imposition of fine and default sentence. The learned trial Court has directed that the substantive sentence of imprisonment shall run concurrently.

2 Heard the learned Advocate appearing for the applicant/accused. He argued that during pendency of the trial, the applicant/accused was on bail and even after his conviction, the learned trial Court had suspended the substantive sentence imposed on him. The applicant/accused had deposited the entire amount of fine.

3 The learned Additional Public Prosecutor opposed the application.

4 Short sentence of imprisonment awarded on the applicant/accused is already suspended by the learned trial Court. He has also deposited the entire amount of fine. The appeal filed by him may not be heard within a period of three years considering pendency of appeals before this Court. Therefore, the Order :

ORDER

- (i) The applications are 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 of the crime in question or her relatives and prosecution witnesses in any manner and he should not repeat commission of similar offence in future.
- (iv) The applications stand disposed of accordingly.

(A.M.BADAR J.)