

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 1478 OF 2017****IN****CRIMINAL APPEAL NO. 89 OF 2018**

Sunil Mahendra Singh

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Ms. Anjali Patil for the Applicant.

Mr. V.V. Gangurde, APP for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 24th APRIL, 2018.****P.C.:-**

This is an Application for suspension of sentence and for releasing the Applicant on bail.

2 The Applicant is convicted for an offence punishable under Sections 376, 354, 354(B) and 506 of the Indian Penal Code, 1860 and under Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012 and is sentenced to suffer rigorous imprisonment for seven years and pay a fine of Rs.25,000/- (Rupees Twenty Five Thousand only), in default of payment of fine to further undergo rigorous imprisonment for two months, by the learned Designated Court under Protection of Children from Sexual Offences Act, 2012 for

Greater Bombay, in POCSO Case No. 173 of 2014, by its Judgment and Order dated 31st July, 2017.

3 The learned counsel for the Applicant submitted that, the Applicant has already deposited the fine amount in the Registry of the Trial Court. She further submitted that, since the date of his arrest i.e. from 17th March, 2014, the Applicant is in jail and has already undergone more than 4 years of actual imprisonment.

4 As the Applicant has undergone more than 4 years of actual imprisonment out of 7 years of total sentence of rigorous imprisonment and the possibility of hearing of Appeal on merits in the near future is remote, I am inclined to suspend the sentence and release the Applicant on bail. Hence the following order-

- a) During the pendency of the Appeal, the substantive sentence imposed upon the Applicant is suspended and the Applicant is released on bail in POCSO Case No. 173 of 2014, on his furnishing PR bond of Rs.25,000/- (Rupees Twenty Five Thousand only), with one or two solvent local sureties in the like amount.
- b) After released on bail, the Applicant shall not enter

into the jurisdiction of R.A.K. Marg Police Station, Mumbai and keep himself away from its jurisdiction.

- c) During the pendency of the Appeal, the Applicant shall attend and mark his presence before the Trial Court on every first Monday of the month between 11.00 a.m. to 2.00 p.m.. If the said first Monday is a Court holiday/Public holiday, the Applicant shall mark his presence on the immediate next day.

5 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)