

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1717 OF 2017

IN

CRIMINAL APPEAL NO.1041 OF 2017

UTTAM PANDURANG MORE

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Neville D. Deboo i/b. Mr.Hitesh Patil, Advocate for the Applicant.

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

CORAM : A. M. BADAR, J.

DATE : 4th JANUARY 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 offence punishable under Section 12 of the Protection of Children from Sexual Offences Act (POCSO Act) and is sentenced to suffer rigorous imprisonment for 1 year, apart from direction to pay fine of Rs.500/-, and in default, to suffer rigorous imprisonment for 8 days. He is also convicted of the offence punishable under Section 509 of the Indian Penal Code, but no separate sentence is passed, in view of the provisions of Section 42 of the POCSO Act.

3 The learned advocate appearing for the applicant/accused submitted that substantive sentence of imprisonment is already suspended by the learned trial court in view of provisions of Section 389 of the Code of Criminal Procedure. The learned APP has not disputed this position.

4 Short sentence of 1 year is imposed on the applicant/accused and the appeal is not likely to be heard within a period of one year, considering the pendency of appeals before this court. Hence, the order :

ORDER

- i) Substantive sentence of imprisonment imposed on the applicant/accused is suspended and the applicant/accused is ordered to be released on bail on his executing P.R.Bond in the sum of Rs.15,000/-, and on furnishing surety in like amount.
- ii) As a condition of this order, the applicant/accused should not contact the alleged minor female child or her relatives in any manner.
- iii) The application is accordingly disposed of.

(A. M. BADAR, J.)