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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION No. 1953 OF 2018
IN
CRIMINAL APPEAL No. 1448 OF 2018

Hemant Mahadev Bhoir	...Applicant
Vs.	
The State of Maharashtra	...Respondent

Mr. Saili Dhuru i/b. Mr. Kuldeep S. Patil for Applicant
Mr. S.H. Yadav – APP for the State

CORAM : SMT.SADHANA S. JADHAV, J.

DATE : DECEMBER 6, 2018

P.C.:

1. Heard.
2. This is an application under section 389 of the Criminal Procedure Code. The Applicant herein is convicted for the offences punishable under section 354 -A(1) (I), 506 of the Indian Penal Code and under section 7 r/w. 8 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer R.I. for 3 years and fine of Rs.5,000/-, in default, to suffer R.I. for six months. The Applicant is also convicted for an offence punishable under section 506 of the Indian Penal Code and is sentenced to suffer R.I. for one year and fine of Rs.1,000/-, in default, to suffer R.I. for one month by the Additional Sessions Judge and Special Court Judge, Mangaon, Dist. Raigad in Special POCSO Case No. 4 of 2014 vide judgment and order dated 2nd November, 2018.
3. The learned counsel for the Applicant submits that the Applicant was on bail during the pendency of the appeal and has

not committed breach of any conditions imposed upon him. It is also submitted that after recording conviction, the Special Court has suspended the substantive sentence till expiry of appeal period.

4. The sentence imposed upon the Applicant is a short term sentence and he deserves to be enlarged on bail. Hence, following order.

ORDER

- (i) The Application is allowed.
- (ii) Substantive sentence imposed upon the Applicant vide judgment and order dated 2nd November, 2018 in Special POCSO Case No. 4 of 2014 passed by the Additional Sessions Judge and Special Court Judge, Mangaon, Dist. Raigad is hereby suspended, she be enlarged on bail on furnishing P.R. Bond in a sum of Rs.30,000/- and one or more solvent sureties in the like amount.
- (iii) The Applicant shall mark her presence once in a year before the Sessions Court at Mangaon, Dist. Raigad on the date assigned by the Special Court. Upon failure to attend any two consecutive dates, the Special Court shall report to the High Court and the prosecution would be at liberty to file application seeking cancellation of bail.

Criminal application is allowed and disposed of in the aforesaid terms.

[SMT.SADHANA S. JADHAV, J.]