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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 1956 OF 2018****IN****CRIMINAL APPEAL NO. 1456 OF 2018**

Mr. Amol Popat Dhawale

....Applicant

Vs.

The State of Maharashtra

....Respondent

Mr. Rajaram Vaman Bansode Advocate for the applicant

Mr. S. S. Pednekar APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.**DATED : 11th DECEMBER, 2018.****P.C.**

This is an application under section 389 of Code of Criminal Procedure, 1973 seeking suspension of substantive sentence imposed upon the applicant by Special Judge and Addl. Sessions Judge, Satara vide Judgment vide Judgment and Order dated 29/10/2018 in Special (POCSO) Case No. 4 of 2015. Applicant herein is convicted for offence punishable under section 452 of the

Indian Penal Code and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs. 1000/- in default to suffer simple imprisonment for one month. He is also convicted for offence punishable under section 323 of the Indian Penal Code and sentenced to suffer simple imprisonment for three months and fine of Rs. 500/- in default to suffer simple imprisonment for seven days. He is also convicted for offence punishable under section 354-A of the Indian Penal Code read with Section 7 & 8 of Protection of Children From Sexual Offences Act and sentenced to suffer rigorous imprisonment for three years and fine of Rs. 1000/- in default to suffer simple imprisonment for one month.

2 The sentence imposed upon the applicant is a short term sentence. The learned counsel for the applicant submits that applicant was on bail during the pendency of trial and his substantive sentence has been suspended to enable him to file an appeal within the period of limitation. Appeal is filed within the limitation. Hence, following order.

ORDER

- (i) Application is allowed.
 - (ii) The substantive sentence imposed upon the applicant is hereby suspended and he be enlarged on bail on furnishing P.R. bond in the sum of Rs. 25,000/- and one or more solvent sureties in the like amount.
 - (iii) Applicant shall report to the Court of Special Judge and Addl. Sessions Judge, Satara once in six months.
 - (iv) Upon failure to attend any two consecutive dates, the Sessions Judge shall report to the High Court about the same and the Prosecution would be at liberty to seek cancellation of bail.
- 3 Application stands disposed of.

[SMT. SADHANA S. JADHAV, J.]