

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1978 OF 2018
IN
CRIMINAL APPEAL NO. 1471 OF 2018

Bhikaji Vitthal Gaonkar.

..Applicant.

V/s.

State of Maharashtra.

..Respondent.

Mr. S.S. Redekar, advocate for applicant.

Mr. S.H. Yadav, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : DECEMBER 10, 2018.

P. C. :

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 389 of the Code of Criminal Procedure, 1908. The applicant herein is convicted by Sessions Judge, Sindhudurg, Oros for an offence punishable under section 354 of the Indian Penal Code and section 8 of the Protection of Children from Sexual offences Act, 2012 and sentenced to suffer R.I. for 3 years and fine of Rs. 2000/- in Special Case No. 19 of 2017 vide Judgment and Order dated 14/11/2018.

3 The learned Counsel for the applicant submits that the applicant had been on bail during the pendency of the trial and has not committed breach of any conditions imposed upon him. Similarly, fine amount is paid. It is submitted that the substantive sentence has been

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suspended by the Sessions Court to enable the applicant to file an appeal. The sentence imposed upon the applicant is a short term sentence. In view of the Judgment of the Hon'ble Apex Court in the case, Kiran Kumar v/s. State of M.P. 2001 AIR SCW 5130, the applicant deserves to be enlarged on bail.

4 Hence, the following order is passed.

ORDER

(i) The application is allowed.

(ii) The substantive sentence passed by Sessions Judge, Sindhudurg, Oros vide Judgment and Order dated 14/11/2018 in Special Case No. 19 of 2017 is hereby suspended. The applicant 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) The applicant shall report to the Court of Sessions at Sindhudurg-Oros once in 6 months on the date assigned by the learned Sessions Judge. Upon failure to attend on two consecutive dates, the Sessions Court shall make report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

5 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]