

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

CRIMINAL APPEAL NO. 426 OF 2019

WITH

CRIMINAL APPLICATION NO. 397 OF 2019

Amar Ramchandra Dhotre

.. Appellant

V/s

The State of Maharashtra

.. Respondent

Mr. Satyavrat Joshi I/b Mr. Jaydeep D. Mane
advocate for appellant.

Mr. S.S. Pednekar, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : APRIL 23, 2019.

P. C. :

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

2 This is an application under section 389 of the Code of
Criminal Procedure, 1908 seeking suspension of substantive sentence
imposed upon the applicant by Special Judge (POCSO) in Special Case
No. 45 of 2015 for the offence punishable under sec. 354(A)(1) (i) of the
Indian Penal Code and is sentenced to suffer SI for six months and fine
of Rs. 500/-, in default SI for one month, he is also convicted for the
offence punishable under sec. 323 of Indian Penal Code and is
sentenced to suffer SI for one month, vide Judgment and Order dated
20.02.2019.

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3. The learned Counsel for applicant submits that the applicant was on bail during pendency of the trial and has not committed any breach of conditions imposed upon him. This Court is hearing appeal of the year 2013 in view of this applicant is entitled to the extension of same relief during the pendency of the Appeal.

ORDER

1. The application is allowed.
2. Substantive sentence imposed upon the applicant is hereby suspended. He be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 20,000/- and one or more solvent sureties in the like amount.
3. The applicant shall mark his presence before Special Judge, at Solapur once in six months on the date assigned by the learned Special Judge.
4. Upon failure to attend any two consecutive dates, the Special Court shall make report to the High Court and prosecution would be at liberty to seek cancellation of bail.
5. Application is allowed in above terms and stands disposed off.

[SMT. SADHANA S. JADHAV, J.]