

Vat

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

CRIMINAL APPLICATION No. 472 OF 2019
IN
CRIMINAL APPEAL No. 475 OF 2019
WITH
CRIMINAL APPLICATION No. 473 OF 2019
IN
CRIMINAL APPEAL No. 475 OF 2019

Pawan @ Sagar Shankar Pawar	...Applicant
Vs.	
The State of Maharashtra	...Respondent

Ms. Tripti R. Shetty for Applicant	
Mr. S.S. Pednekar -APP for the State	

CORAM : SMT.SADHANA S. JADHAV, J.

DATE : MARCH 29, 2019

P.C.:

1. This is an application under Section 389 of the Criminal Procedure Code, seeking suspension of substantive sentence. The Applicant herein is convicted for the offences punishable under Section 354 -A of the Indian Penal Code and sentenced to suffer R.I. for one year. The Applicant is convicted for the offence punishable under Section 354-D of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for two years and to pay fine of Rs.3,000/-, in default, to suffer simple imprisonment for one month. The Applicant is also convicted for the offence

punishable under section 12 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer R.I. for two years and fine of Rs.3,000/-, in default, to suffer S.I. for one month by the Additional Sessions Judge, Sangli vide judgment and order dated 31.1.2019 in Sessions Case No. 227 of 2014.

2. The learned counsel for the Applicant submits that the Applicant was on bail during the pendency of the trial and has not committed any breach of conditions imposed upon him. It is submitted that the sentence imposed upon the applicant is a short term sentence and the Applicant is entitled to the extension of the same relief granted during the pendency of the appeal. It is also submitted that the fine amount is paid.

3. In view of this, the Applicant deserves to be enlarged on bail. Hence, the following order.

ORDER

- (i) Both the applications are allowed.
- (ii) The substantive sentence imposed upon the Applicant vide judgment and order dated 31.1.2019 passed by the Additional Sessions Judge, Sangli in Sessions Case No. 227 of 2014 is hereby suspended. He be enlarged on bail on furnishing P.R. Bonds in the

sum of Rs.20,000/- each and one or more sureties in the like amount.

(iii) The Applicant shall report to the Learned Additional Sessions Judge, Sangli once in six months on the date assigned by the Learned Sessions Judge. Upon failure to attend any two consecutive dates, the Learned Sessions Judge, Sangli shall make report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

Criminal Applications stand disposed of in the aforesaid terms.

[SMT.SADHANA S. JADHAV, J.]

V.A. Tikam