

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.1 OF 2019**

**IN**

**CRIMINAL APPEAL NO.1 OF 2019**

**ANANDMAY LALBIHARI MAHATO )...APPLICANT**

**V/s.**

**THE STATE OF MAHARASHTRA )...RESPONDENT**

Mr.Vishal Kolekar, Advocate for the Applicant.

Ms.P.N.Dabholkar, APP for the Respondent - State.

**CORAM : A. M. BADAR, J.**

**DATE : 21<sup>st</sup> FEBRUARY 2019**

**P.C. :**

1           This is an application for suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal filed by him. The applicant/accused is convicted for offences punishable under Sections 8, 9(m) read with 10 of the Protection of Children from Sexual Offences Act, 2012, as well as

under Section 451 and 342 of the Indian Penal Code. Different sentences are imposed on him on different counts, the highest amongst them being rigorous imprisonment for 5 years for the offence punishable under Section 10 read with 9(m) of the Protection of Children from Sexual Offences Act, 2012. The learned trial court directed that substantive sentences shall run concurrently.

2            Heard both sides.

3            The applicant/ accused was on bail during pendency of the trial. Allegations against him are to the effect that by closing the door of her house, the applicant/accused has outraged the modesty of a female child by kissing her on cheek and lips.

4            The applicant/accused was on bail during pendency of the trial and he had not misused his liberty. Therefore, the following order :

**ORDER**

- i) The application is allowed.
- ii) Substantive sentence of imprisonment imposed on the applicant/accused is suspended and the applicant/accused is directed to be released on bail on his executing P.R.Bond in the sum of Rs.15,000/- and on furnishing surety in like amount.
- iii) The applicant/accused should not repeat commission of similar offence in future.
- iv) The applicant/accused should not contact the victim of the crime in question and her relatives as well as the prosecution witnesses.
- v) The application is disposed off.

**(A. M. BADAR, J.)**