

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.149 OF 2019

IN

CRIMINAL APPEAL NO.149 OF 2019

Samadhan Shivaji Chopade

...Applicant

V/s.

The State of Maharashtra & Anr.

...Respondents

Mr. Diwakar R. Singh, Advocate for the Applicant.

Mrs. M.R. Tidke, APP for Respondent No.1/State.

CORAM : A.M.BADAR J.

DATED : 11th 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 the offences punishable under Section 354-D of the Indian Penal Code as well as under Section 12 of The Protection of Children from Sexual Offences Act, 2012. On each count, he is sentenced to suffer rigorous imprisonment for two years apart from direction to

pay fine of Rs.15,000/- and default sentence of rigorous imprisonment for two months.

2. Heard the learned Counsel appearing for the applicant/accused. He argued that there are contradictions in version of prosecution witnesses.

3. The learned APP opposed the application.

4. Short sentence of imprisonment is imposed on the applicant/accused who was on bail during pendency of the trial. He has not misused his liberty. The appeal filed by him may not be heard within a period of two years. Therefore, the order.

ORDER

(i) The application is allowed.

(ii) The substantive sentence of imprisonment imposed on the applicant/accused is suspended and he is directed to be released on bail on his executing P. R. Bond of Rs.15,000/- and on furnishing surety in the like amount.

(iii) As a condition of this order, the applicant/accused should not contact the alleged victim of the crime in question or her relatives in any manner.

(iv) As a condition of this order, the applicant/accused should not repeat commission of similar offences in future.

(v) The application is disposed of accordingly.

(A.M.BADAR J.)