

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.159 OF 2019

IN

CRIMINAL APPEAL NO.161 OF 2019

Ramdas Nimba Deore ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

.....

Mr.Aniket U. Nikam with Mr.Piyush Toshnival, Advocate for the Appellant.

Mr.S.V.Gavand, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 12th 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 came to be convicted for the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and he is sentenced to suffer simple imprisonment for four years apart from direction to pay fine of Rs.10,000/- and in default to further undergo simple imprisonment for two months. He, however, was acquitted of the offences punishable under Section 377 and 506 of the Indian Penal Code as well as under Section 4 of the POCSO Act.

2 Heard the learned Counsel appearing for the applicant/accused. He drew my attention to medical evidence and argued that the same is not supporting the case of prosecution.

3 The learned Additional Public Prosecutor opposed the application.

4 I have considered the submissions so advanced and perused the Record and Proceedings including the oral as well as documentary evidence.

5 Short sentence of imprisonment imposed on the applicant/accused. He was on bail during pendency of the trial. He has not misused his liberty. The appeal may not be heard within a short span. 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 victim of crime in question as well as her

relatives in any manner and he should not repeat commission of similar offence.

(iv) The application is disposed of accordingly.

(A.M.BADAR J.)