

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

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.346 OF 2019**

**IN**

**CRIMINAL APPEAL NO.330 OF 2019**

Mr. Ujeet Gangai Mandal

**...Applicant**

V/s.

The State of Maharashtra & Anr.

**...Respondents**

Mr. Vinit Randive a/w. Kunal V. Phoole, Advocate for the Applicant.

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

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

**DATED : 7<sup>th</sup> MARCH 2019**

**P.C. :**

1. Heard by consent of parties.
2. By this application, the applicant/accused is seeking release on bail by suspending the sentence imposed on him by the learned trial Court. He is convicted of the offences punishable under Sections 354 and 509 of the Indian Penal Code as well as under Section 10 of the Protection of Children from Sexual Offences Act,

2012 (hereinafter referred to as the POCSO Act for the sake of brevity. Different sentences are imposed on different counts, highest amongst them being that of rigorous imprisonment for five years for the offence punishable under Section 10 of the POCSO Act. The learned trial Court has directed that substantive sentences shall run concurrently.

3. Heard the learned counsel appearing for the applicant/accused as well as the learned Additional Public Prosecutor for the Respondent/State.

4. Perusal of evidence of the victim female child so also that of the Investigating Officer shows that there are material improvement in version of the victim female child. The applicant/accused was on bail during pendency of the trial and he has not misused his liberty. Short sentence of imprisonment is imposed on the applicant/accused, and 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 female child or her relatives in any manner and he should not repeat commission of similar offences in future.
- (iv) The application is disposed of accordingly.

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