

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.484 OF 2019
IN
CRIMINAL APPEAL NO. 495 OF 2019

Bandu Vasant Walhekar.

..Applicant.

V/s.

The State of Maharashtra & anr.

..Respondents.

Mr. Piyush Toshnival I/b. Mr. Aniket U. Nikam, advocate for applicant.

Mr. S.R. Agarkar, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : MARCH 28, 2019.

P. C. :

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 389 of the Code of Criminal Procedure, 1973. The applicant herein is seeking suspension of substantive sentence imposed upon him by Special Judge, Pune vide Judgment and Order dated 2nd March, 2019 in Special Case No. 7 of 2017, thereby convicting the applicant for the offence punishable under section 354 A and 448 of the Indian Penal Code and section 7 read with section 8 of the Protection of Children from Sexual Offences Act, 2012 and sentenced him to suffer S.I. for 3 years and fine of Rs. 3,000/- I.d. to

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suffer S.I. for 3 months.

3 The learned Counsel for the applicant submits that the applicant was on bail during the pendency of the trial and has not committed breach of any condition imposed upon him. The sentence imposed upon the applicant is a short term sentence. In view of this, the substantive sentence imposed upon the applicant deserves to be suspended in the interest of justice.

4 Hence, following order is passed :

ORDER

(i) The application is allowed.

(ii) The substantive sentence imposed upon the applicant vide Judgment and Order dated 2nd March, 2019 by Special Judge, Pune in Special Case No. 7 of 2017 is hereby suspended. The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 30,000/- and one or more solvent sureties in the like amount.

(iii) The applicant shall not reside within the municipal limits of Pimpri-Chinchwad till 30/6/2019.

(iv) The applicant shall mark his presence before the learned Special Judge, Pune once in 6 months on the date assigned by the

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learned Special Court, Pune. Upon failure to attend two consecutive dates, the Special Court shall report to the High Court and the prosecution would be at liberty to seek cancellation of bail.

5 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]