

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 667 OF 2019
IN
CRIMINAL APPEAL NO. 632 OF 2019**

Ajay Vasant Patil

.. Applicant

V/s

The State of Maharashtra and Anr.

.. Respondents

Mr. Gaurav Parkar, advocate for appellant/applicant.

Mr. Y.M. Nakhwa, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : APRIL 23, 2019.

P. C. :

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

2 This is an application under section 389 of the Code of Criminal Procedure, 1908 seeking suspension of substantive sentence imposed upon the applicant by Special Judge (POCSO) in Special Case No. 45 of 2015 for the offence punishable under sec. 11(i)(iv) of Protection of Children from Sexual Offences Act and is sentenced to suffer RI for three months and fine of Rs.1,000/- , in default SI for one month, he is also convicted for the offence punishable under sec. 354-A(i) of Indian Penal Code with no separate sentence, he is also convicted for the offence punishable under sec. 341 of Indian Penal Code and

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sentenced to suffer SI for one month and fine of Rs. 500/-, in default SI for 15 days, vide Judgment and Order dated 02.04.2019.

3. The learned Counsel for applicant submits that the applicant was on bail during pendency of the trial and has not committed any breach of conditions imposed upon him. The applicant is young boy. He is entitled to the extension of same relief during the pendency of the Appeal.

ORDER

1. The application is allowed.
2. Substantive sentence imposed upon the applicant is hereby suspended. He be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- and one or more solvent sureties in the like amount.
3. The applicant shall mark his presence before Special Judge, Alibaug, Raigad once in six months on the date assigned by the learned Special Judge.
4. Upon failure to attend any two consecutive dates, the Special Court shall make report to the High Court and prosecution would be at liberty to seek cancellation of bail.
5. Application is allowed in above terms and stands disposed off.

[SMT. SADHANA S. JADHAV, J.]