

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 702 OF 2019
IN
CRIMINAL APPEAL NO.672 OF 2019

Bhupesh Manohar Bhagat.

...Applicant.

V/s

The State of Maharashtra & anr.

...Respondents.

Ms. Pooja Sejpai I/b. Mr. Nitin Sejpai, advocate for applicant.

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

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : APRIL 25, 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 seeking suspension of the sentence imposed upon the applicant. The applicant herein is convicted for the offence punishable under section 354 of the Indian Penal Code and sentenced to suffer R.I. for one year and to pay fine of Rs. 3,000/- I.d. to suffer R.I. for 3 months by Special Judge (POCSO Act) & Additional Sessions Judge, Thane vide Judgment and Order dated 10/4/2019 in Special Case No. 196 of 2014.

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3 The sentence imposed upon the applicant is a short term sentence. The learned Counsel for the applicant submits that the applicant was on bail during the pendency of the trial and the applicant has not committed breach of any condition imposed upon him. Hence, the applicant is entitled to the same relief during the pendency of this appeal.

4 The sentence imposed upon the applicant is a short term sentence. This Court is hearing the jail appeals of the year 2013. In view of this, the applicant deserves to be granted bail during the pendency of the appeal.

5 Hence, following order is passed :

ORDER

(i) The application is allowed.

(ii) The substantive sentence imposed upon the applicant is hereby suspended. The applicant 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.

(iii) The applicant shall not reside in Sector 1, Vashi, New Mumbai for a period of 3 months.

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(iv) Upon being enlarged on bail, the applicant shall report to the Special Court(POCSO Act), Thane once in 6 months on the date assigned by the Special Court(POCSO Act), Thane. Upon failure to attend any two consecutive dates, the Special Court(POCSO Act), Thane shall make report to the High Court and the prosecution is at liberty to move for cancellation of bail.

6 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]