

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

CRIMINAL APPEAL NO.803 OF 2019

Shri. Ashok Waman Patil Appellant

Vs.

The State of Maharashtra & Ors. Respondents

Mr. Amol P. Mhatre for the Appellant

Mr. S.S. Pednekar, APP for State.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 11th June 2019

P.C.:

1 Heard.

2 Admit.

(Smt. Sadhana S. Jadhav, J)

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

**CRIMINAL APPLICATION NO.896 OF 2019
IN
CRIMINAL APPEAL NO.803 OF 2019**

Shri. Ashok Waman Patil Applicant
Vs.
The State of Maharashtra & Ors. Respondents

Mr. Amol P. Mhatre for the Applicant
Mr. S.S. Pednekar, APP for State.

**Coram : Smt. Sadhana S. Jadhav, J.
Date : 11th June 2019**

P.C.:

- 1 Heard the respective counsel.
- 2 This is an application under Section 389 Code of Criminal Procedure. The applicant herein is convicted by the Extra Additional Sessions Judge, Vasai, in Special Case No.26 of 2016, vide judgment and order dated 8th May 2019, for the offences under Sections 354 and 323 read with 34 of Indian Penal Code and under Section 8 of Protection of Children from Sexual Offences Act, 2012. The applicant is sentenced to suffer rigorous imprisonment for one year and fine of Rs.500/- and Rs.1,000/- in default to suffer imprisonment for three months respectively for the offences punishable under Sections 354 and 323 of

Indian Penal Code. He is further sentenced to suffer rigorous imprisonment for a period of four years and to pay a fine of Rs.5,000/-, in default to undergo further imprisonment for one year for the offence punishable under Section 8 of the POCSO Act.

3 Learned counsel for the applicant submits that the sentence imposed upon the applicant is a short term sentence. Learned counsel further submits that the amount of fine is paid. The applicant was on bail during pendency of the trial and has not committed breach of any conditions imposed upon him. In view of this, the applicant deserves extension of same relief during the pendency of appeal. Hence, the following order.

ORDER

- i) The application is allowed and disposed of.
- ii) The substantive sentence imposed upon the applicant vide judgment and order dated 8th May 2019 is hereby suspended.
- iii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.
- iv) The applicant shall report to the Court of Additional Sessions Judge, Vasai once in six months on the date assigned by the Sessions Judge.

v) Upon failure to attend any two consecutive dates, the Sessions Court shall report the same to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

(Smt. Sadhana S. Jadhav, J)