

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1321 OF 2019
IN
CRIMINAL APPEAL NO. 1082 OF 2019

Prem Basavraj Pujari. ..Applicant.

v/s.

The State of Maharashtra & Anr. ..Respondents.

Ms. Vrushali L. Maindad, advocate for applicant.

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

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : AUGUST 19, 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 substantive sentence imposed upon the applicant by the Special Judge, Pune(under POCSO Act), thereby convicting him under section 7 read with section 8 of the Protection of Children from Sexual Offences Act, 2012 and is sentenced to suffer R.I. for 3 years and to pay fine of Rs. 500/- I.d. to suffer R.I. for 8 days, vide Judgment and Order dated 27/6/2019 in Spl(C) SC No. 245/2014.

Talwalkar

3 The learned Counsel 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 short term sentence. Hence, the applicant deserves to be enlarged on bail during the pendency of the appeal. 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. 30,000/- and one or more solvent sureties in the like amount.

- (ii) The applicant shall mark his presence before the Special Court(under POCSO Act) at Pune once in 6 months on the date assigned by the learned Special Court, Pune. Upon failure to attend any two consecutive dates, the learned Special Court, Pune shall make report to the High Court and the prosecution is at liberty to seek cancellation of bail.

4 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]