

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

**CRIMINAL APPLICATION NO. 1396 OF 2019
IN
CRIMINAL APPEAL NO.1139 OF 2019**

Raosaheb Dadabhau @ Dadasaheb Applicant
Chavan

Vs.

The State of Maharashtra Respondent

Adv. J. Menezes i/by Mr. Kuldeep S. Patil for the Applicant.
Mr. Y.M. Nakhwa, APP for State.

**Coram : Smt. Sadhana S. Jadhav, J.
Date : 4th September 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 for the offence punishable under Section 354 of Indian Penal Code alongwith Section 8 of Protection of Children from Sexual Offences Act, 2012. He is sentenced to suffer rigorous imprisonment for three years and fine of Rs.2,000/-, in default rigorous imprisonment of six months for

the offence punishable under Section 8 of Protection of Children from Sexual Offences Act, 2012 by the learned Special Judge, Vasai in Special (POCSO) Case No. 62 of 2017 vide judgment and order dated 16th July, 2019.

3. Learned counsel for the applicant submits that the applicant was on bail during pendency of the trial and has not committed breach of any conditions imposed upon him. It is also submitted that the applicant has been sentenced to a short term sentence and that there is no possibility of the appeal being finally heard in the near future. Hence, he is entitled to the extension of same relief. Taking into consideration the relations between the victim and the appellant, this Court is of the opinion that the applicant shall not reside in Vasai for three years. Hence, the following order :

ORDER

- i) The application is allowed.
- ii) The substantive sentence imposed upon the applicant vide judgment and order dated 16th July, 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 mark his presence before the Special Court, Vasai once in six months on the date assigned by the Special Judge. Upon failure to attend any two consecutive dates, the Special Court shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

- v) The applicant shall not reside in Vasai for three years.
- vi) The application is disposed of in above terms.

(Smt. Sadhana S. Jadhav, J)