

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

**CRIMINAL APPLICATION NO. 454 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 430 OF 2019**

Madhukar Pandurang Dhide	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.Amol Deshpande for Applicant.
Mr.R.M. Pethe, APP for Respondent.

CORAM : A.S. GADKARI, J.

DATE : 11th September 2019.

PC. :

- 1] This is an application for suspension of sentence and releasing the applicant on bail.
- 2] The applicant is convicted under Section 354 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for one year and to pay compensation of Rs. 50,000/- to the minor victim by the learned learned Judicial Magistrate, First Class, Court No.7, Pune, in Summary Criminal Case No. 913 of 2011 by its Judgment and Order dated 4th December 2014.

The Criminal Appeal No. 06 of 2015 preferred by the applicant, though has been dismissed by the learned Additional Sessions Judge, Pune, the Appellate Court has reduced the sentence from one year of rigorous imprisonment to six months of simple imprisonment and has also reduced the compensation from Rs.50,000/- to Rs.25,000/- to be paid to the victim girl/prosecutrix or to be deposited the same in the Registry of the Trial Court within one month from the date of passing of the impugned Judgment and Order dated 7th August 2019.

3] The learned counsel for the applicant submitted that, after dismissal of his appeal, the applicant has been taken into custody on 7th August 2019 itself for undergoing sentence. He further submitted that, the applicant will deposit the said amount of compensation of Rs.25,000/- as may be directed by this Court.

4] As the maximum sentence imposed upon the applicant is six months of simple imprisonment and the possibility of hearing the Revision Application on its own merits in near future is remote, I am inclined to suspend the sentence imposed upon the applicant and to release him on bail, subject to condition that the applicant shall either pay the said compensation of Rs.25,000/- to the victim girl/prosecutrix or deposit the

same in the Trial Court within one month from today, as directed by the Appellate court by its Judgment and Order dated 7th August 2019.

5] Hence, following order :

(i) During the *pendency* of the present Revision Application, the substantive sentence imposed upon the applicant is hereby suspended.

(ii) During the *pendency* of the Revision Application, the applicant is released on bail on following terms and conditions.

(a) The applicant be released on bail on his furnishing PR Bond of Rs.15,000/- with one or two local sureties in the like amount.

(b) The procedure for bail be complied with before the trial Court.

(c) It is made clear that, if the applicant fails to pay the said sum of Rs.25,000/- as mentioned in para No.4 above, the present Order suspending sentence and releasing the applicant on bail shall stand vacated without further reference to this Court.

6] Application is allowed in the aforesaid terms.

7] All the concerned to act on the basis of the authenticated copy of this order.

[A.S. GADKARI, J.]