

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

CRIMINAL APPEAL NO.1466 OF 2018

Raju Santosh Suryawanshi Appellant

Vs.

The State of Maharashtra Respondent

Mr. Sachin R. Pawar for the appellant.

Ms. P.N. Dabholkar, APP for State.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 21st January 2019

P.C.:

1 Heard the counsel.

2 Appeal admit.

(Smt. Sadhana S. Jadhav, J)

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

**CRIMINAL APPLICATION NO.1975 OF 2018
IN
CRIMINAL APPEAL NO.1466 OF 2018**

Raju Santosh Suryawanshi Applicant

Vs.

The State of Maharashtra Respondent

Mr. Sachin R. Pawar for the applicant

Ms. P.N. Dabholkar, APP for State.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 21st January 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 Additional Sessions Judge-1, Vasai, in POCSO Special Case No. 24 of 2015, for the offences punishable under Sections 8 of Protection of Children from Sexual Offences Act and sentenced to suffer rigorous

imprisonment for three years and to pay a fine of Rs.5,000/-, in default to suffer simple imprisonment for 15 days.

3 Learned counsel for the applicant submits that the applicant was on bail during the pendency of the trial and has not committed breach of any conditions imposed upon him. The complainant and her family have shifted from Yashwant Nagar, Virar (West) to some other place. The applicant is acquitted for the offence punishable under Section 376 read with 511 of Indian Penal Code and has been convicted for the offence punishable under Section 8 of Protection of Children from Sexual Offences Act. The sentence imposed upon the applicant is a short term sentence. That by an order dated 24th December 2018, the Vacation Court (Coram : Smt. Bharati H. Dangare, J.) had extended the relief granted by the Sessions Court suspending his substantive sentence. The same was continued till 21st January 2019. Taking into consideration the fact that the sentence imposed upon the applicant is a short term sentence, the applicant deserves extension of the same relief during the pendency of the 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 25th October 2018 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 learned 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 Judge 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)