

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 2073 OF 2018
(FOR BAIL)
WITH
CRIMINAL APPLICATION NO. 2074 OF 2018
(FOR SUSPENSION OF SENTENCE)
IN
CRIMINAL APPEAL NO. 1547 OF 2018**

Bhujang Bhanudas Tulse
Versus
The State of Maharashtra

...Applicant

...Respondent

Mr. Vincent X. D'Silva for the Applicant

Mr. P. H. Gaikwad, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY. 27th MARCH 2019

P.C. :

1 Heard learned counsel for the parties.

2 By these applications, the applicant seeks suspension of his sentence and enlargement on bail pending the hearing and final disposal of his appeal.

3 Learned counsel for the applicant states that the allegations as against the applicant are false and that no such incident as alleged took place. He submits that even the evidence that has come on record, does not prove the alleged offence. He further submits that the applicant was on bail pending trial and that the applicant has not abused or misused his liberty, whilst on bail.

4 Learned A.P.P has produced report dated 26th March 2019 of PI Sakinaka Police Station, Mumbai. The same is taken on record and marked 'X'. In the said report, it is mentioned that the applicant, whilst on bail, did not threaten or intimidate any witness and that no offence has been registered as against the applicant, during the said period.

5 Perused the papers, in particular, the evidence of PW 2, PW 4 and the medical evidence. The maximum sentence imposed on the applicant is 4 years. The sentence imposed is a short term sentence. The appeal is already admitted and is not likely to be heard

in near future. As stated above, the applicant has not abused or misused the liberty. It is informed by the learned A.P.P that the girl (PW 2) has left the area and is no longer residing in the said area.

6 Having regard to the aforesaid, the following order is passed :

ORDER

- (i) The applications are allowed;
- (ii) The applicant's sentence is suspended;
- (iii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.5,000/- with one or two sureties in the like amount;
- (iv) The applicant shall not contact or attempt to influence the complainant or the prosecution witnesses or any person concerned with the case;
- (v) The applicant shall report to the trial Court once in three

months as specified by the trial Court, till his appeal is finally disposed of;

(vi) The applicant shall keep the trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;

(vii) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

7 The applications are disposed of in the aforesaid terms.

8 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.