

Arun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1904 OF 2024
(FOR SUSPENSION OF SENTENCE)
AND
INTERIM APPLICATION NO. 1905 OF 2024
(FOR BAIL)
IN
APPEAL NO. 469 OF 2024

Arun Arjun Bobale

...Appellant/0
Applicant

Versus

The State of Maharashtra & Anr

...Respondents

Mr Irfan Ansari, with Abdul K Ansari, i/b Prafull Gaikwad, for the
Appellant.

Mr Swapnil V Walve, APP, for the Respondent-State.

ARUN
RAMCHANDRA
SANKPAL

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ARUN RAMCHANDRA
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CORAM N.R. Borkar, J.

DATED: 3rd May 2024

PC:-

1. The applicant has filed appeal against the judgment and order dated 3rd April 2024 in Special Case No. 252 of 2018, by which the trial court has convicted the applicant for the offence punishable under Section 354 of the Indian Penal Code and under Section 8 of

Protection of Children from Sexual Offences Act, 2012 and sentenced him to suffer simple imprisonment for three years and to pay a fine of Rs.5,000/- and in default to suffer further simple imprisonment for one month.

2. By this application, the applicant has prayed that the substantive sentence be suspended and he be released on bail.

3. I have heard learned counsel for the applicant and learned APP for the respondent-State.

4. The learned counsel for the applicant submits that the applicant has good case on merits. There is no evidence to connect the applicant/accused with the alleged crime. It is submitted that the applicant was on bail during trial.

5. On the other hand, learned APP for the Respondent-State submits that considering the nature of offence for which the applicant has been convicted, the sentence may not be suspended.

6. This Court has admitted the appeal filed by the applicant. The applicant was on bail during trial and he did not misuse the liberty granted to him. Considering the overall facts and circumstances, I am inclined to suspend the sentence and release the applicant on bail.

7. Interim Applications are allowed.

8. Till the decision of appeal, the substantive sentence of imprisonment is suspended and the Applicant is released on bail on executing P.R. Bond in the sum of Rs. 15,000/- with one surety in the like amount.

9. Bail be furnished before the trial court.

(N. R. Borkar, J)