

Arun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 4326 OF 2023
IN
APPEAL NO. 1273 OF 2023

Yogesh Vilas Kale

...Applicant/
Appellant

Versus

The State of Maharashtra & Anr

...Respondents

Mr Onkar A Wable, i/b Prassana Shahane, for the
Appellant/Applicant.

Mrs S. D. Shinde, APP, for the Respondent-State.

Mr Gopal Parab, for Respondent No.2.

CORAM N.R. Borkar, J.

DATED: 3rd May 2024

PC:-

ARUN
RAMCHANDRA
SANKPAL

Digitally signed by
ARUN RAMCHANDRA
SANKPAL
Date: 2024.05.04
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1. The applicant has filed appeal against the judgment and order dated 26.9.2023 in Special Case No. 30 of 2019, by which the trial court has convicted the applicant for the offence punishable under Sections 11 and 12 of the Protection of Children from Sexual Offences Act, 2012 and sentenced him to suffer rigorous imprisonment for six months and to pay a fine of Rs.5,000/- and in default to suffer simple imprisonment for three months

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, learned APP for the respondent-State and learned counsel for respondent No.2.

4. The learned counsel for the applicant submits that the applicant has good case on merits. The applicant was on bail during trial. It is submitted that the applicant has deposited the fine amount.

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

6. This Court has admitted the appeal filed by the applicant. Considering the fact that sentence is of only six months, I am inclined to suspend the sentence and release the applicant on bail.

7. Interim Application is 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)