

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.1172 OF 2018**

**IN**

**CRIMINAL APPEAL NO.899 OF 2018**

Mahendra Subhash Bhoi      ...      **Applicant**

V/s.

The State of Maharashtra      ...      **Respondent**

.....

Mr.R. G. Gadgil with Mr.Premanand Torane, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent/State.

....

**CORAM    : A.M.BADAR J.**

**DATED    : 31<sup>st</sup> JULY 2018.**

**P.C. :**

1            This is an application for suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal filed by him.

2            The applicant/accused is convicted of the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act (hereinafter referred to to 'POCSO' for the sake of brevity) and he is sentenced to suffer rigorous

imprisonment for three years apart from payment of fine of Rs.2,000/- and default sentence of simple imprisonment for 60 days.

3 As the applicant was punished for the offence punishable under Section 8 of the POCSO, though he was convicted of the offence punishable under Section 354 of the Indian Penal Code, no separate sentence was passed on this count.

4 Heard the learned Advocate appearing for the applicant/accused so also the learned Additional Public Prosecutor for the respondent/State.

5 The applicant was on bail during pendency of the trial. There is no material to demonstrate that he has misused his liberty in any manner. Short sentence of imprisonment imposed on him has already been suspended by the learned trial Court. The appeal filed by the applicant may not be heard within the short span considering the pendency of appeals before this Court. Hence, the Order :

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence of imprisonment imposed on the applicant/accused is suspended and he is directed to

be released on bail on his executing P.R.Bond of Rs.15000/- and on furnishing surety in the like amount.

(iii) As a condition of this Order, the applicant/accused should not repeat commission of similar offence in future and he should not contact the victim female child or her relatives in any manner.

(iv) The application is disposed of accordingly.

**(A.M.BADAR J.)**

**Raju  
Dattatraya  
Gaikwad**

Digitally signed by  
Raju Dattatraya  
Gaikwad

Date: 2018.08.01  
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