

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

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.308 OF 2019  
IN  
CRIMINAL APPEAL NO.328 OF 2019**

Sanjay Sampat Gaikwad ... **Applicant**  
V/s.  
The State of Maharashtra & Anr. ... **Respondents**

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Mr. Arun K. Rajput, Advocate for the Applicant.

Ms. P. N. Dabholkar, APP for the Respondent/State.

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**CORAM : A.M.BADAR J.**

**DATED : 28<sup>th</sup> FEBRUARY 2019.**

**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. The applicant/accused is convicted for the offences punishable under Sections 10 and 12 of the Protection of the Children from Sexual Offences Act, 2012. On the first count, he is sentenced to suffer rigorous imprisonment for five years and on another count, he is sentenced to suffer rigorous imprisonment for six months. Apart from this, fine is also imposed so also the default sentence. The learned trial Court has directed that substantive sentences shall run concurrently.

2 Heard the learned Advocate appearing for the applicant/accused. He argued that material part of evidence of victim female child is coming on record by way of omission. The learned Counsel further argued that the applicant was on bail during pendency of the trial. He has not misused his liberty.

3 The learned Additional Public Prosecutor opposed the application by contending that the prosecution has proved sexual assault as well as sexual harassment to the victim female child.

4 I have considered the submissions so advanced. Short sentence of imprisonment is imposed on the applicant/accused. He was on bail during pendency of the trial. It is reported that the applicant/accused has paid the entire fine. In this view of the matter, the following Order :

ORDER

- (i) 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.15,000/- and on furnishing surety in the like amount.
  
- (ii) As a condition of this Order, the applicant/accused should not contact the victim female child or her relatives in any manner

- (iii) As a condition of this Order, he should not repeat commission of similar offence in future.
- (iv) Initially, for a period of six weeks, the applicant/accused be released on furnishing cash security of Rs.15,000/-.
- (v) The application is disposed of accordingly.

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