

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION NO.367 OF 2015
IN CRIMINAL APPEAL NO. 225 OF 2015
(Deepak Bhimrao Meshram vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri V.N. Morande, Advocate for applicant.
Shri S.M. Ukey, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : SEPTEMBER 29, 2015

This application is filed by accused for
suspension of sentence and release on bail.

The applicant is convicted by the learned
Additional Sessions Judge, Gadchiroli in Special
Child Case No.21/2014 for the offence punishable
under Section 354 of Indian Penal Code read with
Section 8 of Protection of Children from Sexual
Offences Act and sentenced to suffer simple
imprisonment for three years and to pay fine of
Rs.1000/-, and in default, to suffer further simple

imprisonment for three months.

Heard learned Counsel for the parties and perused the evidence, copies of which are made available along with impugned judgment.

It is the case of prosecution that victim girl, aged 9 years, was studying in 3rd Standard in Zilla Parishad School and on the day of incident, at about 1.30 p.m., on the false pretext, was called by accused in his house and was molested. On her coming out of house of accused, she went to School and narrated incident to P.W.1 Usha Navghare, Teacher of the School, who, in turn, informed matter to Head Master. Police were summoned with whom victim and her father were taken to Police Station and on the basis of report lodged by Bandu, father of prosecutrix, offence came to be registered.

From the evidence of victim girl, it appears that she has stated about the incident involving applicant. However, in the cross-examination she has admitted that she could not recollect the incident whatsoever took place involving her. From the evidence of complainant Bandu, who is examined as P.W.2, it appears that

relations between his family and that of applicant were strained. Though this by itself is not a ground, which can be considered in favour of applicant, in the cross-examination of complainant, it is admitted that report was prepared by Teacher, upon which he had signed. He has admitted to have not stated contents of the report and though has denied suggestion that he is on inimical terms with family of accused, has admitted that he was not on visiting terms with family of accused and in fact, had instructed his family members not to keep relations or go to the house of accused.

Having considered above evidence and the fact of short sentence imposed upon the applicant and since it is stated by learned Additional Public Prosecutor that no appeal is preferred by State for enhancement of sentence and having also considered the fact that applicant was on bail during trial and his sentence was suspended by the trial Court till period of appeal, I am inclined to allow the application as per order below.

Order

Applicant Deepak Bhimrao Meshram

shall be released on bail on his furnishing P.R. Bond in the sum of Rs.20,000/- with one surety in like amount. During pendency of appeal, the applicant shall mark his presence with Police Station, Gadchiroli once in three months. The application is disposed of accordingly.

Hamdast allowed.

JUDGE

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