

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

CRIMINAL APPLICATION (APPA) NO. 213 OF 2016

IN

CRIMINAL APPEAL NO. 38 OF 2016

(NITIN SUDHAKAR BHENDARKAR...VS..STATE OF MAH. THR. PSO PS NER POLICE STATION,
YAVATMAL)

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : APRIL 16, 2016.

Heard Shri Mir Nagman Ali, advocate for the applicant/appellant and Shri S.B. Bissa, A.P.P. for the non-applicant/ respondent.

The appellant has filed this appeal challenging the judgment passed by the Special Court convicting the appellant for the offence punishable under Section 376(2)(n) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012. The appeal is admitted and is pending for final hearing.

The appellant has filed application praying that the sentence imposed on the appellant be suspended. The appellant is in jail since 5th September, 2013. There is no likelihood that the appeal would be taken up for hearing in near-future.

Though the age of the victim at the time of the incident was 16 years and 4 months, considering the nature of accusations against the appellant and the facts on record, I am of the view that the sentence imposed on the appellant is required to be suspended.

Hence, the following order :

The sentence imposed on the appellant is suspended. If the custody of the appellant is not required in any other offence, he be released on bail on furnishing P.R. Bond for Rs.Twenty Five Thousand and two solvent sureties in the like amount.

The application is allowed accordingly.

JUDGE