

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPA) NO. 540/2017

in

CRIMINAL APPEAL NO. 323/2017

(Nikhil Vishwanath Raut vs. State of Maharashtra)

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

Court's or Judge's order

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Mr. S.K.Bhoyar, Advocate for the applicant
Mr. S.B.Bissa, APP for respondent-State

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 4th September, 2017.

By this Application, the applicant prays for suspension of jail sentence imposed upon him by the learned Special Judge, dated 28.6.2017, in Special (Ch) Case No. 14/2014 and grant of bail.

The applicant is convicted for the offence punishable under Section 4 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer RI for seven years and to pay a fine of Rs. 1000/-, in default, to suffer SI for thirty days.

I have heard Shri S.K.Bhoyar, the learned counsel for the applicant and Mr. S.B.Bissa, the learned A.P.P. for the respondent.

The applicant was on bail during the pendency of trial. Even after the judgment and order of conviction, the learned trial Court has suspended the jail sentence and the applicant was released on bail.

Taking into consideration the nature of allegations against the applicant, also the fact that the applicant was on bail during

the trial and the substantive jail sentence was already suspended and he was released on bail by the learned trial Judge and also considering that it would not be possible to take up the hearing of the Appeal finally by this Court in the near future, due to pendency of old matters, I am of the view that the applicant is entitled to suspension of jail sentence and grant of bail. Hence the following order:

ORDER:

- 1) Criminal Application No. 540 /2017 is allowed.
- 2) The substantive jail sentence imposed against the applicant by the learned Special Judge for POCSO, Wardha in Spl. (Ch) Case No.14/2014 dated 28th June, 2017 shall remain suspended during the pendency of the present Appeal.
- 3) The applicant shall be released on bail by executing fresh bonds of the same amount as in the trial court.
- 4) The learned Judge before whom the bail bonds will be executed shall ensure that before execution of the bail bonds, the entire fine amount is deposited by the applicant.
- 5) The applicant shall remain personally present before this Court at the time of final hearing of the Appeal.

The Application stands disposed of.

JUDGE

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