

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

CRIMINAL APPEAL NO.326 OF 2017

Rajkumar Tulshiram Gabhane

..VS..

State of Maharashtra, through P.S.O. Andhalgaon, Tahsil Mohadi, District
Bhandara

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

Court's or Judge's Order

Shri Mahesh Rai, Counsel for the appellant.
Shri R.S. Nayak, Addl.P.P. for the respondent/State.

CORAM : V.M. DESHPANDE, J.

DATED : JULY 21, 2017.

Heard learned counsel Shri Mahesh Rai for the
appellant.

ADMIT.

Learned Additional Public Prosecutor Shri R.S.
Nayak waives service.

Criminal Application (APPA) No.544 of 2017

This is an application for suspension of
substantive jail sentence and for grant of bail.

The applicant is convicted by learned Special
Judge, Bhandara in Special Criminal Case No.2 of 2016 dated

23.6.2017 for the offence punishable under Section 354B of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for a term not exceeding 3 years and to pay a fine of Rs.5,000 and in default of payment of fine amount to suffer further rigorous imprisonment for a term not exceeding 5 months.

He is also convicted for the offence punishable under Section 452 of the Indian Penal Code and for that is sentenced to suffer rigorous imprisonment for a term not exceeding 3 years and to pay a fine of Rs.5,000/- and in default of payment of fine amount to suffer further rigorous imprisonment for a term not exceeding five months.

The applicant is also convicted for the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and for that he is sentenced to suffer rigorous imprisonment for a term not exceeding 3 years and to pay a fine of Rs.5,000/- and in default of payment of fine amount to suffer further rigorous imprisonment for a term not exceeding 5 months.

Looking to quantum of punishment of not exceeding 3 years and the fact that the applicant was on bail and after passing the impugned judgment the applicant is already released on bail by learned Judge of the Court below, I

pass the following order :

ORDER

The present criminal application is allowed.

Substantive jail sentence, imposed upon the applicant vide judgment and order of conviction passed by learned Special Judge, Bhandara in Special Criminal Case No.2 of 2016 dated 23.6.2017, shall remain suspended during the pendency of the present criminal appeal.

The applicant be released on bail on his executing of fresh bond of the same amount.

Learned Judge of the Court below is directed to ensure that entire fine amount is deposited before the applicant is released on bail.

The criminal application is allowed and disposed of.

JUDGE

!! BRW !!