

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

CRIMINAL APPLICATION [APPA] NO.703 OF 2016

IN

CRIMINAL APPEAL NO.399 OF 2016

[Ankush @ Sonu s/o Parasram Panbude .vs. State of Maharashtra]

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

Court's or Judge's orders

Shri N.M. Gaidhane, Advocate for Applicant-Appellant,
 Ms. T.H. Udeshi, APP for respondent-State.

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CORAM : KUM. INDIRA JAIN, J.

DATED : APRIL 05, 2017.

Heard Shri Gaidhane, learned counsel for applicant-appellant and Ms. Udeshi, learned Additional Public Prosecutor for respondent-State.

By this application, applicant is seeking suspension of substantive sentence of imprisonment imposed vide judgment and order dated 29.8.2016 passed by the Special Judge under POCSO Act in Special (Child) Case No.110/2014.

Applicant-accused has been convicted of the offences punishable under sections 354, 354 (A) (1)(i) & (iv) of the Indian Penal Code and sentenced as under :

Sr. No.	Conviction under sections	Punishments
1.	354, IPC	simple imprisonment for 1 year and fine of Rs.3,000/- in-default imprisonment for 2 months.
2.	354(A)(1)(i), IPC	rigorous imprisonment for 1 year and fine of Rs.3,000/- in-default rigorous Imprisonment for 2 months.

3.	354(A)(1)(iv), IPC	simple imprisonment for 6 months and fine of Rs.1,000/- in-default Imprisonment for 15 days.
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Applicant has challenged the judgment and order of conviction and sentence in appeal. Fine has been paid. During trial, applicant was on bail. No complaints have been received that applicant, while on bail during trial, attempted to tamper the evidence of prosecution witnesses or tried to jump the conditions of bail.

Considering the nature of offences for which applicant is convicted and since he was on bail during trial, this court is inclined to suspend the substantive sentence of imprisonment and release the applicant on bail. Hence, the following order :

- (i) Criminal Application [APPA] No.703 of 2016 is allowed.
- (ii) During pendency of appeal, applicant is released on bail on his furnishing P.R. Bond in the sum of Rs.10,000/- with one surety in the like amount.
- (iii) Bail before the trial court.

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Heard.

Admit. Call R & P.

Learned APP waives service of notice for respondent.

JUDGE