

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

CRIMINAL APPEAL NO.284/2018

Shrikant Anil Deshmukh

..vs..

State of Mah., thr. PSO PS Warud, District Amravati

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

Court's or Judge's Order

.....
Shri Y.S. Gorle, Counsel for the appellant.

CORAM : V.M. DESHPANDE, J.

DATED : APRIL 26, 2018.

1. Heard learned counsel Shri Y.S. Gorle for the appellant.
2. **ADMIT.**
3. Learned Additional Public Prosecutor Shri T.A. Mirza
waives service on behalf of the State.

Criminal Application (APPA) No.406/2018

1. This is an application for suspension of substantive jail sentence and for grant of bail.
2. Heard learned counsel Shri Y.S. Gorle for the applicant/appellant and learned Additional Public Prosecutor Shri T.A. Mirza for the State.
3. The applicant/appellant is convicted by learned Additional Sessions Judge-6 and Special Judge, Amravati in Special (POCSO) Case No.205/2016 for offence punishable under Section 12 of the

Protection of Children from Sexual Offences Act, 2012 and is directed to suffer rigorous imprisonment for 3 years and to pay a fine of Rs.5000/-.

4. Learned counsel Shri Y.S. Gorle for the applicant/appellant invites my attention to paragraph No.2 of the application, which is on affidavit sworn by the applicant/appellant, which states that after the impugned judgment and order was passed by learned Judge of the Court below, the applicant/appellant filed an application for suspension of substantive jail sentence and for grant of bail and the said application was allowed by learned Judge of the Court below on 23.3.2018 and the sentence was suspended till filing of the appeal before this Court. He also invites my attention to the said paragraph to show the entire fine amount is also deposited.

5. In that view of the matter, I pass following order:

ORDER

(i) The criminal application is allowed.

(ii) The substantive jail sentence imposed upon the applicant on 23.3.2018 by learned Additional Sessions Judge-6 and Special Judge, Amravati in Special (POCSO) Case No.205/2016 for offence punishable under Section 12 of the Protection of Children from Sexual Offences Act, 2012 shall remain suspended during the pendency of the present appeal.

(iii) Applicant/appellant Shrikant Anil Deshmukh, shall be released on bail on he executing a P.R. Bond in the sum of Rs.10,000/- with one

solvent surety of the like amount.

(iv) Bail before the Trial Court.

(v) The applicant shall remain personally present at the time of final hearing of the appeal.

(vi) With this, the criminal application stands allowed and disposed of accordingly.

JUDGE

!! BRW !!

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