

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

CRIMINAL APPEAL NO.327/2018

Mr. Sudhakar s/o Baliramji Ingole

..vs..

State of Mah., thr. PSO PS Ajni, Nagpur

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

Court's or Judge's Order

.....
Shri R.R. Vyas, Counsel for the appellant.

Shri N.S. Rao, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : MAY 5, 2018.

1. Heard learned counsel Shri R.R. Vyas for the
appellant.

2. **ADMIT.**

3. Learned Additional Public Prosecutor Shri N.S. Rao
waives service on behalf of the State.

Criminal Application (APPA) No.459/2018

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

2. Heard learned counsel Shri R.R. Vyas for the
applicant and learned Additional Public Prosecutor Shri N.S. Rao
for the State.

3. The applicant is convicted on 19.4.2018 by learned

Special Judge (POCSO Act) and Additional Sessions Judge-4, Nagpur in Special Criminal Case No.60/2013 for the offences punishable under Section 354-A(1)(i) of the Indian Penal Code and under Section 8 of the Protection of Children from Sexual Offences Act, 2012.

For the offence punishable under Section 354-A(1)(i) of the Indian Penal Code, he is directed to suffer rigorous imprisonment for 2 years and for the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act he is directed to suffer rigorous imprisonment of 3 years.

4. Learned counsel Shri R.R. Vyas for the applicant submits that during the pendency of the Trial, the applicant was on bail and at no point of time he has misused the liberty granted to him in his favour. He submits that after judgment and order of conviction was passed, learned Judge of the Court below on 19.4.2018 itself has granted bail by suspending the substantive jail sentence and for that he invites my attention to paragraph No.5 of the application. He also submits that the entire fine amount is already paid. Hence, I pass the following order:

ORDER

(i) The criminal application is allowed.

(ii) Substantive jail sentence imposed upon the applicant on 19.4.2018 by learned Special Judge (POCSO Act) and Additional

Sessions Judge-4, Nagpur in Special Criminal Case No.60/2013 for the offences punishable under Section 354-A(1)(i) of the Indian Penal Code and under Section 8 of the Protection of Children from Sexual Offences Act, 2012 shall remain suspended during the pendency of the appeal.

(iii) Applicant Sudhakar s/o Baliramji Ingole, be released on bail on he executing a P.R. Bond in the sum of Rs.50,000/- with one solvent surety of the like amount.

(iv) The applicant shall remain personally present before this Court at the time of final hearing of the appeal.

(v) With this, the criminal application is allowed and disposed of.

JUDGE

!! BRW !!

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