

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

Criminal Application (APPA) No. 633 of 2018
in
Criminal Appeal No.418 of 2018
(Bhumeshwar Kothiram Khandate .vs. The State of Maharashtra through PSO
PS Khaparkheda, Nagpur.)

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

Mr. A.S. Band, Advocate for Appellant.
Mr. Vishal Gangane, APP for Respondent

CORAM : Manish Pitale, J.
DATED : July 27, 2018.

This appeal was admitted by order dated 10.07.2018 and notice was issued in this application for suspension of sentence and grant of bail.

Heard Mr. Band, learned counsel for the appellant and Mr. Vishal Gangane, learned APP for the respondent-State.

It is pointed out by the learned counsel for the appellant that although the appellant is convicted for offences under Section 354-A of the Indian Penal Code and Sections 8,10 and 12 of the Protection of Children from Sexual Offences Act, 2012, the evidence in the present case was not at all convincing and the prosecution has failed to make out its case against the appellant. The learned counsel for the appellant has taken this Court through the evidence of the prosecutrix PW1 and the Doctor PW6. A perusal of the evidence of the said witnesses and the fact that the C.A. report did not show stains of either blood or semen on the clothes,

shows that a prima facie case is made out on behalf of the applicant/appellant. It is also pointed out by the learned counsel for the appellant that he has been in jail since the date of the incident i.e. 7.5.2015, showing that he has already undergone more than half the sentence imposed by the trial Court.

In these circumstances, a case is made out on behalf of the appellant/applicant for suspension of sentence and grant of bail. Hence this application is allowed.

The sentence imposed by the trial Court against the appellant is suspended during the pendency of this appeal. The appellant shall be released on bail on furnishing a P.R. Bond of Rs.10,000/- with one surety in the like amount. The application is disposed of.

JUDGE

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