

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

CRIMINAL APPLICATION (APPP) NO.1674/2018 IN
CRIMINAL APPEAL NO.624/2018

Samar s/o Kalidas Barai .vs. The State of Maharashtra, through PSO P.S.
Ram Nagar, Chandrapur.

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

Court's or Judge's orders.

Mr. S. K. Sable, Advocate for applicant.
Mr. A. Joshi, A.P.P. for non applicant.

CORAM : V.M. DESHPANDE, J.
DATED : NOVEMBER 24, 2018

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

Heard Mr. Sable, learned counsel appointed for applicant and Mr. Joshi, learned A.P.P. for non applicant-State.

The applicant is convicted by learned Additional Sessions Judge, Chandrapur on 28.06.2018 in Special (POCSO) Case No.76/2014 for an offence punishable under Section 354-B of the Indian Penal Code read with Section 8 of the Protection of Children from Sexual Offences Act and directed to suffer rigorous imprisonment for 3 years and to pay a fine of Rs.3,000/-, in default to suffer further simple imprisonment for three years.

It is stated in the application that the applicant was released on bail by the Court below.

After hearing learned counsel for the applicant and looking to the quantum of punishment coupled with the fact that there are number of jail appeals pending before this Court, it will not be possible for this Court to take up this appeal finally.

In view of above, the application is allowed. The substantive jail sentence imposed upon the applicant shall remain suspended during the pendency of the present appeal. Applicant-Samar s/o Kalidas Barai is directed to be released on bail on he executing P.R. Bond in the sum of Rs.5,000/- with one solvent surety in the like amount, before the trial Court.

The application is disposed of.

JUDGE

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