

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

CRIMINAL APPEAL NO.225 OF 2019
[Amit s/o Nilkanth Kowale .vs. State of Maharashtra]

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

Court's or Judge's orders

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Shri A.C. Jaltare, Advocate for appellant,
Shri M.J. Khan, APP for respondent-State.

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CORAM : MRS. SWAPNA JOSHI, J.
DATED : MARCH 26, 2019.

Heard.

Admit.

Call record and proceedings.

Shri M.J. Khan, learned A.P.P. waives notice on behalf of the
respondent-State.

Criminal Application (APPA) No.327/2019

By this application, the applicant-appellant prays for suspension of jail sentence imposed upon him by the learned Special Judge, Chandrapur dated 26.02.2019 in Special (POCSO) Case No.16/2014 and grant of bail.

The applicant is convicted for the offence punishable under Sections 354-A (1) (ii) and 354-A (1) (iv) of the Indian Penal Code, whereby the learned Special Judge has sentenced the applicant to suffer rigorous imprisonment for a period of two years and to pay a fine of Rs.1,000/- in default to suffer simple imprisonment for six months.

I have heard Shri A.C. Jaltare, the learned advocate for the applicant and Shri M.J. Khan,, the learned APP for the respondent-State.

Learned advocate for the applicant submits that the applicant was on bail during the pendency of trial. Even after the judgment and

order of conviction, the learned trial Court has suspended the jail sentence and the applicant was released on bail.

Taking into consideration the nature of allegations against the applicant, also the fact that the applicant was on bail during the trial and the substantive jail sentence was already suspended and he has also deposited the fine amount, so also the applicant was released on bail by the learned trial Judge and also considering that it would not be possible to take up the hearing of the appeal finally by this Court in near future due to pendency of old matters, I am of the view that the applicant is entitled to suspension of jail sentence and grant of bail. Hence the following order :

ORDER

- 1] Criminal Application No.327/2019 is allowed.
- 2] The substantive jail sentence imposed against the applicant by the learned Special Judge, Chandrapur dated 26.02.2019 in Special (POCSO) Case No.16/2014 shall remain suspended during the pendency of the present appeal.
- 3] The applicant shall be released on bail by executing fresh bonds of the same amount as in the trial court.
- 4] The learned Judge before whom the bail bonds will be executed shall ensure that before execution of the bail bonds, the entire fine amount is deposited by the applicant.
- 5] The applicant shall remain personally present before this Court at the time of final hearing of the Appeal.

Criminal Application stands disposed of.

JUDGE