

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

CRIMINAL APPEAL NO.251/2019

Jagdish Kashiram Rathod

..VS..

State of Mah., thr. Police Station Officer Pusad (Rural), Taluka Pusad,
District Yavatmal

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

Court's or Judge's Order

.....
Shri V.R.Thote, Counsel for the Appellant.

CORAM : V.M.DESHPANDE, J.

DATED : APRIL 29, 2019.

1. Heard learned counsel Shri V.R.Thote for the appellant.
2. **ADMIT.** Learned Additional Public Prosecutor Shri A.M.Joshi waives service of Notice on behalf of the State.

Criminal Application (APPA) No.434/2019

1. This is an application for suspension of substantive jail sentence and for grant of bail.
2. Heard learned counsel Shri V.R.Thote for the applicant and learned Additional Public Prosecutor Shri A.M.Joshi for the State. Perused the impugned judgment and order of conviction.
3. By the judgment and order of conviction dated 18.4.2019 passed by learned Additional Sessions Judge, Pusad in Special (Child) Case No.6/2015, the applicant was

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convicted under Section 354 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for one year and to pay a fine of Rs.1000/-. He is also convicted for offence under Section 10 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment for 5 years and to pay a fine of Rs.2000/-.

4. During the pendency of the Trial, the applicant was on bail.

5. In view of law laid down in the case of Bhagwan Rama Shinde Gosai and ors vs. State of Gujarat, reported at 1999 SCC (Cri) 553, I am of the view that the applicant can be released on bail.

6. 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 18.4.2019 by learned Additional Sessions Judge, Pusad in Special (Child) Case No.6/2015 shall remain suspended during the pendency of the present criminal appeal.

(iii) The applicant 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) The bail before the Trial Court.

(v) Learned Judge of the Court below, before whom the bail bonds will be executed, shall not issue any release warrant unless entire fine amount is deposited.

(vi) The applicant is directed to mark his presence with Police Station Pusad (Rural), Taluka Pusad, District Yavatmal once in two months during the pendency of the present appeal.

(vii) The applicant is directed to remain personally present before this Court at the time of final hearing of the present criminal appeal.

(viii) With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

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