

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR.

CRIMINAL APPEAL NO.569/2019

Pintu alias Purushottam Dyaneshwar Shahane .vs. State of Maharashtra
through PSO Hudkeshwar, Dist. Nagpur.

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

Court's or Judge's orders.

Mr. U. A. Gosavi, Advocate for appellant.

Mr. S. S. Doifode, A.P.P. for respondent-State.

CORAM : V. M. DESHPANDE, J.

DATED : AUGUST 26, 2019

Heard Mr. Gosavi, learned counsel for appellant.

Admit.

Learned A.P.P. waives notice for respondent-State.

Criminal Application No.752/2019

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

Heard learned counsel for applicant and learned A.P.P. for non applicant-State. I have also perused the impugned judgment.

Applicant is convicted by learned Extra Joint Additional Sessions Judge, Nagpur in Special Child Protection Case No.164/2018 on 18.07.2019. By the said, applicant stands convicted for an offence under Section 8 of the Protection of Children From Sexual Offences Act read with Section 354-A of the Indian Penal Code and is directed to suffer rigorous imprisonment for three years. He is also convicted for an offence punishable under Section 452 of the IPC and on that count, he is sentenced to suffer rigorous

imprisonment of two years. According to learned counsel for applicant, the applicant has deposited fine amount. That statement is made on affidavit. As per the submissions made in affidavit, after the impugned judgment, the Court below, by exercising powers under Section 381 (3) of the Code Of Criminal Procedure, suspended the substantive jail sentence and released the applicant on bail.

Looking to the quantum of the punishment, I am of the view that applicant can be released on bail during the pendency of present appeal. Hence, I pass following order.

ORDER

- (i) The application is allowed.
- (ii) Substantive jail sentence imposed upon the applicant in Special Child Protection Case No.164/2017, shall remain suspended during pendency of present appeal.
- (iii) Applicant-Pintu alias Purushottam Dyaneshwar Shahane, be released on bail on he executing P.R. Bond in the sum of Rs.15,000/- with one solvent surety in the like amount. The bail bonds shall be executed before the lower Court within one month from today.
- (iv) Applicant shall attend Police Station, Hudkeshwar once in three months during the pendency of present appeal.
- (v) The applicant shall remain present before this Court at the time of final hearing of the appeal.

The application is disposed of.

JUDGE