

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

**CRIMINAL APPEAL NO.710/2019
Duryodhan Manik Bhojane**

..VS..

State of Mah., thr. PSO PS Shegaon Rural PS, District Buldana

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

Court's or Judge's Order

Shri A.B.Mirza, Counsel for the Appellant.

CORAM : V.M.DESHPANDE, J.
DATED : NOVEMBER 15, 2019.

1. Heard learned counsel Shri A.B.Mirza for the appellant.
2. **Admit.**
3. Learned Additional Public Prosecutor Shri J.Y.Ghurde, waives service on behalf of the State.

Criminal Application (APPA) No.933/2019

1. This is an application for suspension of substantive jail sentence and for grant of bail.
2. Heard learned counsel Shri A.B.Mirza for the applicant/appellant and learned Additional Public Prosecutor Shri J.Y.Ghurde for the State.
3. By judgment and order of conviction dated 22.8.2019 passed by learned Special Judge and Additional Sessions Judge, Khamgaon in Sessions Trial No.40/2015, the applicant/appellant was convicted for offences punishable under Section 354 of the Indian Penal Code and under

Section 8 of the Protection of Children From Sexual Offences Act, 2012. For offence under Section 354 of the Indian Penal Code, the applicant/appellant is directed to suffer rigorous imprisonment for 1 year and to pay a fine of Rs.1000/- and in default of payment of the fine amount to suffer simple imprisonment for 2 months. For offence under Section 8 of the Protection of Children From Sexual Offences Act, 2012, the applicant/appellant is directed to suffer rigorous imprisonment for 3 years and to pay a fine of Rs.1000/- and in default of payment of the fine amount to suffer simple imprisonment for 2 months.

4. Learned counsel Shri A.B.Mirza for the applicant/appellant, submitted that the applicant/appellant was on bail and during course of the Trial, at no point of time, he misused the liberty granted to him in his favour. It is his submission that after the conviction, the applicant/appellant moved an application before learned Judge below on 22.8.2019 itself for grant of bail and learned Judge below while exercising powers under Sub section (3) of Section 389 of the Code of Criminal Procedure released the applicant/appellant on bail upon he executing a P.R.Bond in the sum of Rs.15000/- with one surety of the like amount. Learned counsel for the applicant/appellant tenders a certified copy of the application as well as the order as appearing in back side of the said application for perusal of this Court. The said is taken on record and marked as "Exhibit-X" for purposes of identification.

5. Looking to the aforesaid aspect, I pass following

order:

ORDER

(A) The criminal application is allowed.

(B) The substantive jail sentence imposed on the applicant/appellant by Court below vide judgment dated 22.8.2019 by learned Special Judge and Additional Sessions Judge, Khamgaon in Sessions Trial No.40/2015 shall remain suspended during the pendency of the present appeal.

(C) Applicant/appellant be released on bail on he executing a P.R.Bond in the sum of Rs.15000/- with one solvent surety of the like amount.

(D) The applicant/appellant shall execute a fresh bond before the Court below.

(E) The applicant/appellant shall attend Shegaon Rural Police Station, District Buldana once in 6 months.

(F) The applicant/appellant shall remain personally present before this Court at the time of final hearing of the present appeal.

With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

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