

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

CRIMINAL APPEAL NO.749/2019

Pravin Kawadu Gomkar

..VS..

The State of Mah., thr. PSO PS Mouda, District Nagpur

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

Court's or Judge's Order

.....
Shri A.K.Madane, Counsel for the Appellant.

CORAM : V.M.DESHPANDE, J.

DATED : NOVEMBER 28, 2019.

1. Heard learned counsel Shri A.K.Madane for the appellant.
2. **Admit.**
3. Learned Additional Public Prosecutor Shri M.J.Khan, waives service.

Criminal Application (APPA) No.990/2019

1. This is an application for suspension of substantive jail sentence and for grant of bail.
2. Heard learned counsel Shri A.K.Madane for the applicant and learned Additional Public Prosecutor Shri M.J.Khan for the State.
3. By judgment and order of conviction dated 18.10.2019 passed by learned Extra Joint Additional Sessions Judge, Nagpur in Special Child Protection Case No.27/2018, the applicant is convicted for offences

.....2/-

punishable under Section 11/12 of the Protection of Children from Sexual Offences Act, 2012 and under Section 354(A) and 354(D) of the Indian Penal Code and sentenced 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 rigorous imprisonment for 2 months.

4. Learned counsel for the applicant submitted that during the course of Trial the applicant was on bail and at no point of time he misused the liberty granted to him in his fair. Learned Additional Public Prosecutor for the State does not dispute the said fact. Learned counsel for the applicant placed on record original receipt showing deposit of the fine amount.

5. In view of the aforesaid, I pass following order:

ORDER

(a) The criminal application is allowed.

(b) The substantive jail sentence imposed upon the applicant, by judgment and order of conviction dated 18.10.2019 passed by learned Extra Joint Additional Sessions Judge, Nagpur in Special Child Protection Case No.27/2018, shall remain suspended during the pendency of the present appeal.

(c) The applicant be released on bail on he executing a P.R.Bond, within a period of one month from today, in the sum of Rs.10,000/- with one solvent surety of the like

amount before learned Judge of the Court below.

(d) The applicant is directed to attend Mouda Police Station, District Nagpur once in six month during the pendency of appeal.

(e) The applicant 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 !!

...../-