

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

CRIMINAL APPEAL NO.30/2020

Vikas s/o Sanjay Shelke

..VS..

The State of Mah., thr. PSO Raipur, Taluka Chikhli, District Buldana

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

Court's or Judge's Order

.....
Shri Bhushan Dafle, Counsel for the Applicant.

CORAM : V.M.DESHPANDE, J.

DATED : JANUARY 15, 2020.

1. Heard learned counsel Shri Bhushan Dafle for the applicant.
2. **Admit.**
3. Learned Additional Public Prosecutor Shri S.M.Ghodeswar, waives service on behalf of the State.

Criminal Application (APPA) No.41/2020

1. This is an application under Section 389(1) of the Code of Criminal Procedure for suspension of substantive jail sentence and for grant of bail.
2. Heard learned counsel Shri Bhushan Dafle for the applicant and learned Additional Public Prosecutor Shri S.M.Ghodeswar for the State.
3. By judgment and order of conviction, impugned in this appeal, dated 12.11.2019 passed by learned Sessions Judge, Buldana in Special (POCSO) Case No.45/2017, the

.....2/-

applicant stands convicted for offence punishable under Section 354-A, 506-II of the Indian Penal Code, and under Section 11(i) punishable under Section 12 of the POCSO Act. Learned Judge of the Court below imposed sentence of simple imprisonment for 4 months and rigorous imprisonment for 6 months along with fine amount Rs.1000/- respectively for the said conviction. Both sentences are directed to be run concurrently.

4. Learned counsel Shri Bhushan Dafle for the applicant, tenders a certified copy of application which was filed by the applicant after the judgment and order of conviction for suspension of the substantive jail sentence and for grant of bail. The said application is at Exhibit 114 on record of the Court below. The said is taken on record and marked as Exhibit-X for purposes of identification. Learned Judge of the Court below on 12.11.2019 suspended the jail sentence, till appeal period is over.

5. Learned counsel for the applicant submitted that the applicant has already deposited entire fine amount and he was on bail during the trial.

6. In this view of the matter, I pass following order:

ORDER

(1) The criminal application is allowed.

(2) The substantive jail sentence imposed upon the applicant, by judgment and order of conviction, impugned in

this appeal, dated 12.11.2019 passed by learned Sessions Judge, Buldana in Special (POCSO) Case No.45/2017, shall stand suspended during the pendency of this appeal.

(3) The applicant be released on bail on he executing a P.R.Bond in the sum of Rs.15,000/- with one solvent surety of the like amount.

(4) The applicant shall execute fresh bail bonds within a period of one month from today.

(5) The applicant is directed to attend Police Station Raipur, Taluka Chikhli, District Buldana once in 6 months during the pendency of this appeal.

With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

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