

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

CRIMINAL APPEAL NO.39/2020

Bhushan s/o Arunrao Wadaskar

..VS..

**The State of Mah., thr. PSO PS Benoda, Amravati, Tahsil and District
Amravati**

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

Court's or Judge's Order

Shri U.J.Deshpande, Counsel for the Appellant.

CORAM : V.M.DESHPANDE, J.

DATED : JANUARY 20, 2020.

1. Heard learned counsel Shri U.J.Deshpande for the appellant.
2. **Admit.**
3. Learned Additional Public Prosecutor Shri M.J.Khan, waives service on behalf of the State.

Criminal Application (APPA) No.55/2020

1. This is an application for suspension of substantive jail sentence and for grant of bail.
2. Heard learned counsel Shri U.J.Deshpande for the applicant and learned Additional Public Prosecutor Shri M.J.Khan for the State.
3. By judgment and order of conviction dated 2.1.2020 passed by learned Sessions Judge, Amravati in Special (POCSO) Case No.235/2018, the applicant is

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convicted for offence punishable under Section 354-D of the Indian Penal Code and sentenced to suffer simple imprisonment for 1 year and to pay a fine Rs.5000/- and in default of payment of the fine amount to suffer further simple imprisonment for 8 days.

4. Learned counsel Shri U.J.Deshpande for the applicant, submitted that after the conviction, the applicant moved an application (Exhibit 34) for suspension of the substantive jail sentence and for grant of bail and on 2.1.2020 learned Judge of the Court below suspended the substantive jail sentence and released the applicant on bail on he executing a P.R.Bond in the sum of Rs.15,000/-. Learned counsel has also placed certified copy of the said application along with the order on record. Learned counsel submitted that the fine amount is paid.

5. 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 dated 2.1.2020 passed by learned Sessions Judge, Amravati in Special (POCSO) Case No.235/2018, shall stand suspended during the pendency of the present criminal appeal.

(3) Applicant-Bhushan s/o Arunrao Wadaskar, shall 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 before learned Judge of the Court below within a period of one month from today.

(5) The applicant shall attend Police Station Benoda, Amravati, Tahsil and District Amravati once in a 6 month during the pendency of the present criminal appeal.

(6) The applicant shall remain personally present before this Court at the time of final hearing of the present criminal appeal.

With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

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