

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

CRIMINAL APPLICATION (APPA) NO.1026/2019

IN

CRIMINAL APPEAL NO.781/2019

Suresh s/o Patru Devare

..vs..

State of Mah., thr. PSO PS Ashti, Tahsil Chamorshi, District Gadchiroli

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

Court's or Judge's Order

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Shri A.C.Jaltare, Counsel for the Applicant.
Shri N.R.Rode, Addl.P.P. for the State.\

CORAM : V.M.DESHPANDE, J.

DATED : JANUARY 22, 2020.

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

2. Heard learned counsel Shri A.C.Jaltare for the applicant and learned Additional Public Prosecutor Shri N.R.Rode for the State.

3. By judgment and order of conviction dated 12.11.2019 passed by learned Additional Sessions Judge, Gadchiroli in Sessions Case No.8/2017, the applicant is convicted for offences punishable under Section 376 read with Section 511 and under Sections 323 and 506(II) of the Indian Penal Code.

For offence under Section 376 read with Section 511 of the Indian Penal Code, the applicant was sentenced to suffer R.I. for 5 years and to a fine Rs.25,000/-

.....2/-

and in default of payment of the fine amount to suffer S.I. for 6 months.

For offence under Section 323 of the Indian Penal Code, the applicant was sentenced to suffer R.I. for 1 year.

For offence under Section 506(II) of the Indian Penal Code, the applicant was sentenced to suffer R.I. for 3 years.

4. Report Exhibit 17 is lodged by victim (PW1). The said report as well as her evidence shows her case that there was an attempt on the part of the applicant to commit rape. The applicant was on bail during trial.

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 12.11.2019 passed by learned Additional Sessions Judge, Gadchiroli in Sessions Case No.8/2017, shall remain suspended during the pendency of the present appeal.

(3) The applicant is directed to 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) Learned Judge of the Court below before whom the bail bonds will be executed shall ensure before releasing of the applicant on bail that the applicant has deposited entire fine amount, if not already deposited.

(5) The applicant is directed to attend Ashti Police Station, Tahsil Chamorshi, District Gadchiroli once in a 6 month during the pendency of the present appeal.

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

With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

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