

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

CRIMINAL APPLICATION (APPA) NO. 71 OF 2021
IN
CRIMINAL APPEAL NO. 191 OF 2021

Kishor S/o Khagen Mandal

...Versus...

State of Maharashtra through PSO, P.S. Mulchera (City), Distt. Gadchiroli

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

Court's or Judge's orders

Shri Aniruddha C. Jaltare, Advocate for the applicant/appellant
Shri I.J. Damle, A.P.P. for respondent/State

CORAM : N.B.SURyawanshi, J.
DATE : 04/05/2021

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Heard.

3. By this application, the applicant seeks suspension of substantive sentence of imprisonment. The applicant is convicted by the learned Sessions Judge, Gadchiroli in Sessions Case No. 14/2014 for the offence punishable under Section 8 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 and is sentenced to suffer rigorous imprisonment for five years and to pay a fine of Rs. 500/-. He is further convicted for the offences punishable under Sections 363, 366A and 506(I) of the Indian Penal code and

is sentenced to suffer rigorous imprisonment for five years and one year respectively and to pay a fine.

4. The applicant was in jail before trial between 29/07/2013 to 21/08/2013 and after pronouncement of the judgment since 16/04/2018 he is in custody. Thus, by now applicant has undergone more than three years of imprisonment.

5. In the light of ratio of the Hon'ble of the Apex Court in **Kamal Vs. State of Haryana, 2004 (13) SCC 526**, the applicant deserves to be released on bail. Hence, the following order:

(i) Criminal application is allowed.

The substantive sentence of imprisonment imposed on the applicant by the learned Sessions Judge Gadchiroli in Sessions Trial No. 14/2014, is hereby suspended on condition that the applicant shall furnish PR. Bond in the sum of Rs.15000/- with one surety in the like amount and applicant shall deposit the fine amount in the Trial Court.

(ii) Criminal application is disposed of.

JUDGE