

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

CRIMINAL APPLICATION (APPA) NO. 291 OF 2021
IN
CRIMINAL APPEAL NO. 192 OF 2021

Ramrao @ Banti Ramkrushna Wakte

...Versus...

State of Maharashtra through PSO, P.S. Ural, Tq. Balapur, Distt. Akola and
another

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

Court's or Judge's orders

Shri C.N. Wankhade, Advocate for the applicant/appellant.
Shri M.J. Khan, A.P.P. for respondent No.1/State.

CORAM : N.B.SURYAWANSHI, J.
DATE : 06/05/2021

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

2. By this application, the applicant seeks suspension of his substantive sentence of imprisonment. The applicant/appellant is convicted by the learned Additional Sessions Judge, Akola in Sessions Case No. 9/2015 for offences punishable under Section 354-A of the Indian Penal Code and under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and is sentenced to suffer rigorous imprisonment for two years and four years respectively and is directed to pay a fine of Rs. 5000/- on each count.

3. During the trial, the applicant/appellant was on bail and he has not misused the facility of bail. The applicant has no criminal antecedents. The applicant has deposited the fine amount in the Trial Court. Taking into consideration that the sentence is a short term sentence, in view of the decisions of the Hon'ble Apex Court in the cases of ***Bhagwan Rama Shinde Gosai and others vs. State of Gujarat, AIR 1999 SC 1859 and Kiran Kumar Vs. State of Madhya Pradesh, 2001 AIR SCW 5130***, the applicant/appellant deserves to be released on bail. Hence the following order :

- (i) The Criminal Application No. 291/2021 is hereby allowed.
- (ii) The substantive sentence of imprisonment imposed on the applicant is hereby suspended till the final decision of the present appeal on the applicant furnishing PR. Bond in the sum of Rs.15000/- with one surety in the like amount before the Trial Court.
- (iii) Criminal application is disposed of.

JUDGE