

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

**CRIMINAL APPLICATION (APPA) NO.535 OF 2021 IN**  
**CRIMINAL APPEAL NO.320 OF 2019**

State of Maharashtra Vs. Naresh Dashrath Bagmare

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

Court's or Judge's orders.

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Shri M.N. Ali, Advocate for applicant/respondent.  
Shri S.S. Doifode, APP for appellant/State.

**CORAM : M.S. SONAK & PUSHPA V. GANEDIWALA, JJ.**  
**DATE : 27<sup>th</sup> OCTOBER, 2021.**

Heard.

2. This is an application to release the applicant on bail. The applicant came to be arrested on execution of non-bailable warrant, issued against the applicant under Section 390 of the Code Criminal Procedure.

3. It is stated that the applicant is convicted in Special POCSO Case No.11 of 2016 by the learned Special Judge and Additional Sessions Judge No.4, Chandrapur for the offence punishable under Sections 363, 366-A and 354 of the Indian Penal Code (IPC) and offence punishable under Section 8 of the Protection of Children from Sexual Offences Act (POCSO).

4. It is further stated that the applicant has already undergone a sentence of 7 years (including remission)

imposed upon him and is released from prison

5. In the present appeal against acquittal of the applicant in the other connected offences in the aforesaid Special POCSO Case No.11 of 2016, preferred by the State under Section 378 of the code of Criminal Procedure, 1973, this Court issued non-bailable warrant against the applicant as the counsel representing the applicant expressed his helplessness for want of instructions.

6. The applicant then came to be arrested on execution of the NBW issued against him. By way of this application, the applicant seeks bail. We have considered the rival submissions. Considering the fact that he has already undergone the sentence imposed upon him and now he has engaged a new counsel i.e. Shri M.N. Ali to represent him in the present appeal, we are inclined to release the applicant on bail, subject to execution of Personal and Surety bond of Rs.15,000/- (Rupees fifteen thousand only).

7. The application stands disposed of.

**(Pushpa V. Ganediwala, J.)**

**(M.S. Sonak, J.)**