

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1764 OF 2022
IN
CRIMINAL APPEAL NO. 407 OF 2022

GANESH SHIVAJI KARAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr.I.D. Maniyar, advocate for the applicant
Mr.N.T. Bhagat, APP for the respondent/State.

...
CORAM : S.G. DIGE, J.
(Vacation Court)

DATE : 27th MAY, 2022

PER COURT :-

. Heard learned counsel for the parties.

2. The learned counsel for the applicant-accused submits that the applicant-accused has been convicted by the learned Additional Sessions Judge, Ambajogai under Section 354(A) of the Indian Penal Code and under sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012. He was on bail during the trial, hence requested to allow the application and applicant-accused be released on bail.

3. The learned counsel further submitted that learned Additional Sessions Judge had wrongly appreciated the evidence and convicted the applicant-accused. It appears from evidence that applicant-accused is not guilty. Applicant-

accused has deposited the fine amount before the trial Court.

4. The learned A.P.P. objected for granting bail to the applicant-accused.

5. The applicant-accused has been convicted under section 354(A) of the Indian Penal Code by the learned trial Court and has sentenced to suffer rigorous imprisonment for one year and to pay a fine of Rs.5,000/-, in default, to suffer rigorous imprisonment for one month. The applicant-accused has been also convicted under sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 and has been sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.5,000/-, in default, to suffer rigorous imprisonment for one month. The applicant was released on bail through out the trial and there is nothing in the impugned judgment suggesting that he has misused the liberty. The sentence that has been awarded is short term sentence.

6. By taking into consideration all above aspect, it appears that the short term sentence has been awarded. Further when the appeal is admitted, it will take its own time to come up for hearing. He has deposited the fine amount. Hence, the conviction awarded to the applicant deserves to be suspended till the conclusion of

the appeal. Hence, I pass the following order :-

ORDER

(i) Criminal Application stands allowed.

(ii) The conviction awarded to the applicant-appellant in Special (POCSO) Case No.20/2016 by learned Additional Sessions Judge, Ambajogai on 29.04.2022 is hereby suspended till the hearing and conclusion of Criminal Appeal No.407 of 2022.

(iii) The applicant-accused shall be released on bail on executing P.B. and S.B. of Rs.20,000/- (Rs.Twenty Thousand only) before the trial Court.

(iv) The parties to act upon authenticated copy of this order.

(S.G.DIGE, J.)