

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

CRIMINAL APPLICATION (APPA) NO.55/2022

IN

CRIMINAL APPEAL NO.36/2022

Rohit S/o. Wasudeo Mohankar Vs. The State of Maharashtra

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

Court's or Judge's orders

Mr. S. J. Gadmade, Advocate for Applicant.
Ms. T. H. Udeshi, A.P.P. for Non-applicant/State.

CORAM : SURENDRA P. TAVADE, J.

DATE : 20/01/2022.

1. Hearing was conducted through video conferencing and the learned counsel agreed that the audio and video quality was proper.

2. This is an application for suspension of sentence and grant of bail.

3. Perused the application and judgment of Trial Court. The applicant was tried for the offences punishable under Sections 452 and 354A of the Indian Penal Code (IPC) and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act). The applicant was held guilty and convicted for the offences punishable under Section 452 of IPC and sentenced to suffer rigorous imprisonment of 1 year and to pay fine of Rs.500/-, in default to undergo simple imprisonment for 7 days. He was also held guilty and convicted for the offence punishable under Section 8 of the POCSO Act and sentenced to suffer rigorous

imprisonment for 3 years and to pay fine of Rs.1000/-, in default to undergo simple imprisonment for 15 days and also held guilty for the offence punishable under Section 12 of the POCSO Act and sentenced to suffer rigorous imprisonment for 3 months and to pay fine of Rs.500/-, in default to undergo simple imprisonment for 7 days. No separate sentence was passed for the offence punishable under Section 354A of the IPC.

4. It is contended that the applicant was released on bail during the pendency of the trial. Even after the conviction, he was released on bail for the period of one month. It is contended that the applicant will attend the hearing of this appeal regularly. He will not abuse or threaten the witnesses. Hence, it is prayed that he may be released on bail.

5. Heard learned counsel for the applicant and learned Additional Public Prosecutor for the State.

6. The applicant was released on bail during the pendency of trial. There are no allegations that he has abused the liberty granted to him by way of bail. Similarly, he has been already released on bail by the trial court after conviction therefore, this appeal may not be heard within short period. Hence, I pass the following order :

ORDER

- i. The application is allowed.

ii. The sentence imposed upon the applicant is hereby suspended till final hearing of this appeal.

iii. The applicant is ordered to be released on bail on his executing a P.R. Bond in the sum of Rs.15,000/- with a solvent surety in the like amount.

iv. The applicant is directed to attend hearing of this appeal regularly.

CRIMINAL APPEAL NO.36/2022

1. Heard.

2. **ADMIT.**

3. Ms. T. H. Udeshi, learned Additional Public Prosecutor waives service on behalf of the respondent/State.

4. Call for record and proceedings from the trial court in Special POCSO Case No.141/2020.

(SURENDRA P. TAVADE, J.)

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