

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

**CRIMINAL APPLICATION (APPA) NO. 31/2022 IN
CRIMINAL APPEAL NO. 23/2022**

(Kunal @ Kundan S/o Dhammpal @ Sunil Gopnarayan Vs. State of
Maharashtra)

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

Court's or Judge's Order

Mr. A. S. Londhe, Advocate for applicant.
Mr. S. D. Sirpurkar, APP for respondent/State.

CORAM :- SURENDRA P. TAVADE, J.

DATED :- 03.02.2022

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

1. This is an application for suspension of sentence and bail after conviction. The applicant was held guilty for offence punishable under Sections 354, 354-D of the Indian Penal Code and for offence punishable under Sections 11 and 12 of the Protection of Children from Sexual Offences Act and sentenced to suffer rigorous imprisonment for three years with fine of Rs. 3,000/-, in default, he is directed to suffer simple imprisonment for three months. It is contended that the applicant was on bail during the pendency of trial. It is also contended that the applicant had breached bail bond and, hence he was taken into custody when the

conviction was pronounced. The learned counsel for the applicant submits that the condition may be imposed so that he can attend hearing of this appeal regularly.

2. Heard learned counsel for the applicant and APP on behalf of the State. It appears that the applicant was sentenced to suffer rigorous imprisonment and fine of Rs. 3,000/-. He was on bail during pendency of trial and this appeal may not come up for hearing within short period. Therefore, in my considered view, the applicant is entitled for release on bail. Hence, I pass following order:-

(I) Application stands allowed and disposed of.

(II) The sentence imposed upon the applicant is hereby suspended till the decision of this appeal.

(III) The applicant be released on executing P.R. Bond of Rs. 25,000/- with one surety in the like amount with a direction to attend hearing of the appeal regularly and without fail.

(SURENDRA P. TAVADE, J)