

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

CRIMINAL APPLICATION (APPA) NO.24/2022

IN

CRIMINAL APPEAL NO.20/2022

Vikas S/o. Nandalal Chandale Vs. 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. A. M. Jaltare, Advocate for the Applicant.
Mr. S. A. Ashirgade, A.P.P. for the Non-applicant/State.

CORAM : SURENDRA P. TAVADE, J.

DATE : 14/01/2022.

1. This is an application for suspension of sentence and for grant of bail.
2. The applicant was prosecuted for the offences punishable under Section 354D of the Indian Penal Code (IPC), Sections 7 and 8 of the Protection of Children From Sexual Offences Act, 2012 (POCSO Act).
3. The applicant has been convicted for the offences punishable under Sections 354D of IPC and was sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.10,000/-, in default, directed to undergo simple imprisonment for three months. He has been also convicted for the offences punishable under Sections 7 and 8 of POCSO Act and sentenced to suffer rigorous imprisonment for five years and to pay fine of Rs.10,000/-, in default, directed to undergo simple imprisonment for three months.

4. It appears from the record that the applicant was released on bail during the pendency of the trial. There are no allegations of breach of bail conditions and he has not abused the liberty granted to him by way of bail. It is contended that the role of the applicant was that he assisted or help the original accused no.1 in the crime.

5. This appeal may not be come up for hearing within short period. Therefore, in my considered view, the applicant is entitled for bail. 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 the hearing of this appeal regularly.
- v. Bail before the trial Court.

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1. **ADMIT.**
2. Mr. S. A. Ashirgade, learned Additional Public Prosecutor waives service on behalf of the respondent/State.

3. Call for record and proceedings in Special Case (POCSO) No.75/2018.

(SURENDRA P. TAVADE, J.)

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