

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

CRI. APPEAL NO.27 OF 2022

AND

CRI. APPLICATION (APPA) NO.40 OF 2022

(VIKKI ARUN SAWADH....VS.. STATE OF MAH. THR. PSO PS DABKI ROAD, AKOLA)

.....
 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 A.S.Londhe, Advocate for Applicant.
 Shri M.J.Khan, A.P.P. for Non-applicant/State.

CORAM : SURENDRA P. TAVADE, J.

DATED : JANUARY 17, 2022.

CRI.APPEAL NO.27/2022.

Heard.

ADMIT.

Shri M.J.Khan, A.P.P. waives notice for the
 respondent.

Call R & P.

CRI.APPLN.NO.40/2022.

This is an application for suspension of sentence and grant of bail. The appellant/applicant was tried and convicted by Extra Joint District and Sessions Judge, Akola in Sessions Trial No. 45 of 2012. The applicant is convicted for the offences punishable under Sections 294, 354 and 323 of the Indian Penal Code and is sentenced to suffer Rigorous Imprisonment (R.I.) for one month, three months and one year for each section, respectively, and also to

pay fine of Rs.1,000/-, Rs.5,000/- and Rs.1,000/- for each of the offences and in default to suffer S.I. for one month, three months and one month, respectively for each of the offences. The applicant is also convicted for the offence punishable under Section 11(i) punishable under Section 12 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer R.I. for three years and to pay fine of Rs.5,000/- and in default to suffer S.I. for three months.

2. The appellant was in jail from 03/10/2017 to 17/10/2017, 07/05/2019 to 19/06/2019 and since 02/07/2021 up till now. It appears that the appellant was released on bail during the trial, but he committed breach, therefore, he was required to be arrested by issuing Non-Bailable Warrant and since 2nd July 2021 he is in jail. It is contended that the appellant will attend the trial regularly. The learned counsel for the appellant submits that there is no possibility of hearing the appeal in near-future and it is therefore, prayed that the sentence imposed upon the applicant may be suspended and the applicant be released on bail.

3. The learned A.P.P. submits that the applicant is held guilty on all counts and sentenced to suffer rigorous imprisonment for three years maximum. He submits that the victim was 15 years old at the time of the incident and there is possibility of absconding of the applicant if he is released on bail. Therefore, he prayed for rejection of the application.

4. It appears that the appellant is sentenced to suffer rigorous imprisonment for maximum three years. He was in jail for about 6-7 months. There is no possibility of early hearing of this appeal. Hence, no purpose would be served by keeping the applicant/ appellant behind the bars. Hence, I proceed to pass the

following order:

The substantive sentence is suspended till decision of the instant appeal. The appellant/applicant be released on bail on his executing P.R. bond in the sum of Rupees Fifteen Thousand with one solvent surety in the like amount, on the condition that the appellant shall attend hearing of this appeal regularly.

The application stands **disposed of** accordingly.

(SURENDRA P. TAVADE, J)

RRaut.