

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

CRIMINAL APPEAL NO. 56/2022
(Khilesh S/o. Bijendra Shahu 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. C. Jaltare, Advocate for appellant.
Mr. V. A. Thakare, 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.

2. Heard.
3. **Admit.**
4. Learned APP waives service of notice for respondent/State.
5. Call for record and proceeding in Spl. POCSO Case No. 27/2021.

CRIMINAL APPLICATION (APPA) NO. 94/2022

1. This is an application for suspension of sentence and bail. The applicant was held guilty for offence punishable under Sections 323 of the Indian Penal Code (IPC) and sentenced to suffer rigorous imprisonment of one year and to pay fine of Rs. 1,000/-, in default, he is directed to suffer simple imprisonment

for 15 days. He is also guilty for offence punishable under Section 506 of the IPC and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs. 1,000/-, in default, he is directed to suffer simple imprisonment of 15 days. The applicant is also held guilty for offence punishable under Section 8 of the Protection of Children from Sexual Offences Act and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs. 1,000/-, in default, he is directed to suffer simple imprisonment for 15 days.

2. It is contended that the applicant was released on bail during the period of trial. Similarly, he was released after conviction. It is contended that the applicant never abused liberty granted to him. It is also contended that the appeal may not come for hearing within short period. It is prayed that applicant be released on bail.

3. Heard learned counsel for the applicant and learned APP on behalf of State. It appears that the applicant was released on bail during the pendency appeal as well as after conviction by the Trial Court. There are no allegations of misuse of liberty granted to him during the trial. This appeal may not come for hearing during short period. 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. 15,000/- with one surety in the like amount with a direction to attend hearing of the appeal regularly without fail.

(SURENDRA P. TAVADE, J)

JITENDRA
BHARAT
GOHANE

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