

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

CRIMINAL APPEAL NO. 77/2022
(Roshan Anantrao Giri 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. Y. B. Mandpe, Advocate for applicant.
Mr. V. A. Thakare, APP for respondent/State.**

CORAM :- SURENDRA P. TAVADE, J.

DATED :- 11.02.2022

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 Special POCSO Case No. 108/2017 from the Trial Court.

CRIMINAL APPLICATION (APPA) NO. 111/2022

1. Perused application for suspension of sentence and grant of bail. The applicant was prosecuted

for offence punishable under Sections 354, 452 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act ('POCSO'). After the trial, he was convicted for offence punishable under Section 452 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for one year with fine of Rs. 500/-, in default, he is directed to suffer simple imprisonment for seven days. He is also convicted for offence punishable under Section 354 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for the period of one year and to pay fine of Rs. 500/-, in default, he is directed to suffer simple imprisonment for seven days. The applicant is acquitted for the offence punishable under Section 8 of the POCSO Act.

2. It is contended that the applicant was on bail during the trial, even after conviction, he was on bail for a period of one month by the Trial Court. It is also contended that there are no allegation that the applicant has breached any liberty granted to him during the pendency of appeal. Hence, learned counsel for the applicant submits that he be released on bail during the pendency of appeal. It is also contended that the appeal may not come up for hearing within short period of time. Hence, I pass the following order:-

(I) Application stands allowed and disposed of.

(II) The sentence of the applicant is hereby suspended till the final decision of appeal.

(II) The applicant Roshan Anantrao Giri is ordered to be released on bail on furnishing P. R. Bond of Rs. 15,000/- with one surety in the like amount with a condition to attend the hearing of this appeal regularly.

(SURENDRA P. TAVADE, J)

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