

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

CRIMINAL APPEAL NO. 59/2022

(Atul @ Amol Shrawan Kalambe Vs. State of Maharashtra & anr.)

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

Court's or Judge's Order

Mr. A. Raghute, Advocate for appellant.
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.

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. 76/2020.
6. The appellant is directed to add victim as a party/respondent. On amendment, issue notice to newly added respondent. The Investigating Officer is directed to intimate the victim regarding filing of this appeal.

CRIMINAL APPLICATION (APPA) NO. 95/2022

1. This is an application for suspension of sentence and bail. The applicant was held guilty for offence punishable under Section 12 of the Protection of Children from Sexual Offence 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. The applicant is also held guilty for offence punishable under Section 354-D of the Indian Penal Code.

2. It is contended that during the pendency of trial, the applicant was on bail. Similarly, he was also released on bail after conviction. It is contended that the applicant never committed any breach of the bail order. It is contended that the applicant will attend hearing of this appeal regularly.

3. Heard learned counsel for the applicant and learned APP on behalf of State. On perusal of the judgment of the Trial Court, it appears that the applicant was on bail during the pendency of trial. There are no allegation of abused of liberty granted to him, even after conviction, he was released on bail for a period of one month. The appeal may not come up for hearing within 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)

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