

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

CRIMINAL APEAL NO. 67/2022

(Akshay S/o Dnyaneshwar Rankhamb 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. Vivek Awchat, Advocate for applicant.

Mr. V. A. Thakare, APP for non-applicant/State.

CORAM :- SURENDRA P. TAVADE, J.

DATED :- 08.02.2022

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 for non-applicant/State.

5. Call for record and proceeding in Special (Child) Case No. 85/2016.

6. The Investigating Officer is directed to intimate the respondent No. 2 about filing of this appeal.

CRIMINAL APPLICATION (APPA) NO. 102/2022

1. Perused the application. The applicant was prosecuted for offence punishable under Sections 363, 366 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act ('POCSO Act'). He is held guilty and convicted for offence punishable under Sections 363 and 366 of the Indian Penal Code and Section 8 of the POCSO Act and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs. 2000/- on each count, in default, he is directed to suffer simple imprisonment for three months.

2. It is contended that during pendency of the trial, the applicant was on bail. It is also contended that after conviction, the applicant is released on bail for a period of one month. The learned counsel for the applicant submits that applicant will attend the hearing of this appeal regularly, he will not abscond. He submits that the sentence imposed on applicant be suspended.

3. Heard learned counsel for the applicant and learned APP on behalf of the State. It appears that the applicant was on bail during trial. There are no allegations about breach of condition of bail. The applicant was also released on bail after conviction. The appeal may not be heard within short period, therefore

the applicant is required to be released on bail. Hence, I pass following order:-

(I) Application stands allowed and disposed of.

(II) The applicant – Akshay S/o Dnyaneshwar Rankhamb, he 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 that he will attend hearing of this appeal regularly.

(SURENDRA P. TAVADE, J)

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