

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

CRIMINAL APPLICATION (APPA) NO.314 OF 2022
IN
CRIMINAL APPEAL NO.249 OF 2022

KESHAV DNYANESHWAR DEVKE
VS
THE STATE OF MAHARASHTRA, THR. PSO, POLICE STATION
KALMESHWAR, DIST. NAGPUR

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

Court's or Judge's Order

Shri R.M. Patwardhan, Advocate for the appellant/applicant
Shri M.J. Khan, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.
DATED : 26th April, 2022.

Heard.

2. **Admit.**
3. Shri Khan, learned APP waives service of notice on behalf of respondent/State.
4. Call for the record and proceedings.

Criminal Application No.314 of 2022

5. This is an application filed under Section 389 of the Code of Criminal Procedure for suspension of sentence and grant of bail.

6. The applicant has filed appeal against conviction challenging the judgment and order dated 24.03.2022 passed by the learned Extra Jt. District Judge & ASJ, Special Court No.2 (POCSO), Nagpur in Special POCSO Case No.22 of 2020, convicting the applicant for the offence punishable under Section 12 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.1,000/-, in default to suffer further simple imprisonment for seven days.

7. The Appellant was further convicted for the offence punishable under Section 506 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three months and to pay fine of Rs.500/-, in default to suffer further simple imprisonment for five days.

8. I have perused the findings recorded by the learned Extra Jt. District Judge & ASJ, Special Court No.2 (POCSO), Nagpur in the impugned judgment and order and thereupon, I am of the opinion that applicant is having arguable case and reappraisal and reappraisal of the evidence is necessary in this case. The applicant was on bail during the trial and after he was convicted, the sentence has been suspended till 04.05.2022. There is no likelihood that this matter

would come up for final hearing in near future. Accordingly, I pass the following order:

- i. Criminal application is **allowed**.
- ii. The sentence imposed by the learned Extra Jt. District Judge & ASJ., Special Court No.2 (POCSO), Nagpur in Special POCSO Case No.22 of 2020 vide judgment and order dated 24.03.2022, is suspended till disposal of the appeal.
- iii. The applicant shall be released on bail on his executing P.R.Bond for Rs.15,000/- with one solvent surety in the like amount.
- iv. The applicant shall attend the concerned police station as and when his presence is required.

[JUDGE]