

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

CRIMINAL APPLICATION (APPA) NO.319 OF 2022
IN
CRIMINAL APPEAL NO.256 OF 2022

AKASH @ MEGHRAJ S/O PURUSHOTTAM JOGI
VS
THE STATE OF MAH. THR. PSO RAMNAGAR CHANDRAPUR TAH. AND
DIST.CHANDRAPUR

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

Court's or Judge's Order

Shri G.J. Lande, Advocate for the appellant/applicant
Shri V.A. Thakare, APP for the State / Non-applicant

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

Heard.

2. **Admit.**

3. Shri Thakare, learned APP waives service of
notice on behalf of respondent/State.

4. Call for the record and proceedings.

Criminal Application (APPA) No. 319 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 29.03.2022 passed by the learned Special Judge, Chandrapur in Special POCSO Case No.63 of 2017, convicting the applicant for the 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.3,000/-, in default to suffer further rigorous imprisonment for six months.

7. It is submitted that the applicant is having a very good case on merit and there is every likelihood that he would succeed in the present matter. It is further submitted that the substantial sentence has already been suspended by the trial Court up to 29.04.2022.

8. Shri Thakare, learned APP opposes the application.

9. I have perused the findings recorded by the learned Special Judge, Chandrapur 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. However, the applicant was on bail during trial and even after the conviction, the sentence has been suspended till 29.04.2022. 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 Special Judge, Chandrapur in Special POCSO Case No.63 of 2017 vide judgment and order dated 29.03.2022, is suspended till disposal of the appeal.
- iii. The applicant shall be released on bail on his executing P.R.Bond of 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]