

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

CRIMINAL APPLICATION (APPA) NO.318 OF 2022

IN

CRIMINAL APPEAL NO.255 OF 2022

(Vishwas Laxminkant Mandal .**Vs.** State of Maharashtra and Anr.)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri. A. I. Nayak, Advocate for Appellant/Appellant.
Shri. A. R. Chutke, APP for Respondent No.1/State.
Ms. D. Sapkal, Advocate (Appointed) for Respondent No.2.

CORAM : AVINASH G. GHAROTE, J.

DATE : 21st JUNE, 2022.

. Heard Mr. Nayak, learned Counsel for Applicant and Mr. Chutke, learned Additional Public Prosecutor for Respondent No.1/State with the assistance of Ms. Sapkal, learned Counsel appointed for Respondent No.2.

2. The Applicant/Appellant seeks suspension of sentence of 10 years awarded by the learned Sessions Court, Nagpur to applicant for the offence punishable under Section 376 (1) of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012. The fine amount has been deposited.

3. Considering the nature of the incident, as reflected in para 2 of the impugned judgment and so also, the evidence of Dr. Ashwinkumar Arjunrao Sontakke PW-6 (Page 71), who in his evidence, does not

indicate any recent injury in spite of the fact, that the incident is alleged to have taken place on 06.04.2021 and the victim has been examined on 07.04.2021, in my considered opinion, a case for suspension of sentence and grant of bail is made out. Hence, the following order.

ORDER

- 1) The criminal application is **allowed**.
- 2) The sentence awarded to the applicant/appellant by the impugned order is hereby suspended.
- 3) The applicant/appellant be released on bail upon his executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two solvent sureties in the like amount.
- 4) Bail before the Lower Court.

JUDGE

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