

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

CRIMINAL APPEAL NO.286 OF 2022

Kailas Tukaram Pawar and another

Versus

State of Maharashtra, through P.S.O., P.S. Dhad, Tq. & Dist. Buldana and another

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

Court's or Judge's Order

Shri P.A. Kadu, Advocate for the appellant/applicant.

Ms S.S. Jachak, A.P.P. for the respondent No.1/State.

CORAM : ANIL S. KILOR, J.

DATED : 02/05/2022

1. Heard.
2. **Admit.**
3. Call for record and proceedings.
4. Ms S.S. Jachak, learned APP waives service of the notice for the respondent No.1/State.

CRIMINAL APPLICATION (APPA) NO.344 OF 2022

5. This is an application for suspension of sentence and grant of bail.
6. The appellant No.1-Kailas Tukaram Pawar has been convicted under Section 8 of the POCSO Act and sentenced to suffer Rigorous Imprisonment of four years and to pay a fine of Rs.2,000/-, in default to suffer Simple Imprisonment for two months.

The appellant No.2-Ravi Tukaram Pawar has been convicted for the offence punishable under Section 323 of the Indian Penal Code and sentenced to suffer Rigorous Imprisonment of one year

7. Having gone through the judgment and order impugned, I am of the opinion that reappraisal and reappraisal of the evidence is necessary. Moreover, as there is no likelihood that this matter would come up for hearing in near future, the present application needs to be allowed. Hence, I pass the following order:

- a) The criminal application is partly **allowed**.
- b) The substantive sentence imposed by the learned Judge, Special Court, Buldana in Special (POCSO) Case No.06 of 2019 vide judgment and order dated 13.04.2022, is hereby suspended till disposal of the appeal.
- c) The appellant No.1-Kailas Tukaram Pawar, shall be released on bail on his executing P.R. Bond for Rs.15,000/- with one solvent surety in the like amount.

Bail as in the trial Court with fresh bond in so far as appellant No.2-Ravi Tukaram Pawar is concerned.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]