

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

CRIMINAL APPLICATION [APPA] NO.564 OF 2022

IN

CRIMINAL APPEAL NO.449 OF 2022

[Sonba @ Sonu Himmat Mahanur (In Jail) .vs. State of Maharashtra, through Police Station  
Officer, Police Station, Mana, Tah. Murtizapur, District-Akola and one]

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

Court's or Judge's orders

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Shri A.S. Londhe, Advocate for Applicant-Appellant,  
Shri I.J. Damle, APP for Respondent No.1-State.

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CORAM : SMT. M.S. JAWALKAR, J.

DATED : 27/09/2022.

Present application is filed by the applicant-accused for suspension of sentence and for grant of bail.

2. The applicant-accused was convicted for having committed an offence under Sections 366, 376 of the Indian Penal Code by the learned Extra Joint District Judge and Additional Sessions Judge, Akola in Special Case Child Protection No.49/2019, dated 24.06.2022.

3. It is submitted by the learned counsel for the applicant that he has already deposited the fine amount on 21.09.2022 in the trial Court. He further pointed out that during the pendency of trial, he was released on bail vide order dated 19.07.2019 by this Court. There is no incidence of misuse of liberty.

4. Learned Additional Public Prosecutor for the respondent-State vehemently opposed the application.

5. Respondent no.2, in spite of service, remained absent.

6. I have gone through the documents placed on record. Apparently, it appears that the incident occurred when the applicant and the victim i.e. daughter of the complainant, both ran away from the place of residence of the victim. At the time of offence, it is alleged that the age of the victim was 17 years and 5 months, but the age is not proved, in view of the judgment passed by the Sessions Court.

7. Considering these facts and the fact that it would not be possible to hear the matter finally in near future and considering the pendency of criminal appeals, it would be appropriate to allow the application and release the applicant on bail. Hence, I proceed to pass the following order :

#### ORDER

(i) The execution of substantive sentence passed by the learned Extra Joint District Judge and Additional Sessions Judge, Akola in Sessions Trial Case No.49/2019, dated 24.06.2022 is hereby suspended.

(ii) The applicant-accused be released on bail on the same terms and conditions imposed by this Court on 19.07.2019, except the conditions (b) and (c).

(iii) The applicant-accused shall furnish PR. Bond in the sum of Rs.25,000/- with solvent surety in the like amount to the satisfaction of the Sessions Court, within two weeks.

(iv) Application is allowed and disposed of.

[SMT. M.S. JAWALKAR, J.]