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

CRIMINAL APPEAL NO.435 OF 2022

Anil S/o Narayan Wagh **.Vs.** State of Maharashtra, through P.S.O., P.S. Kalmeshwar, Dist. Nagpur 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 A.R. Prasad, Advocate for the applicant.
Shri V.A. Thakare, A.P.P. for the non-applicant No.1/State.
Ms Soniya Gajbhiye, Advocate for the non-applicant No.2/victim (Appointed).

CORAM : ANIL S. KILOR, J.
DATED : 23/11/2022

1. Heard.

2. ADMIT.

3. Call record and proceedings.

4. Shri Thakare, learned A.P.P. waives notice for the respondent No.1.

5. Ms Soniya Gajbhiye, learned counsel for the non-applicant No.2 waives notice for the respondent No.2.

CRIMINAL APPLICATION(APPA) NO.550 OF 2022

6. This is an application for suspension of sentence and for grant of bail.

7. The appellant was convicted for the offence punishable under Sections 7 and 8 of the Protection of Children from Sexual Offences (POCSO) Act and Sections

354, 354-A (1)(i) of the Indian Penal Code and Sections 11(iv) read with Section 12 of the POCSO Act. He is sentenced to suffer Rigorous Imprisonment for 3 years and fine for the aforesaid sections. The said fine amount is reported to be deposited by the appellant.

8. After going through the judgment, I am of the opinion that it is necessary to re-look the matter afresh. It is also submitted that the appellant was on bail during pendency of the trial.

In that view of the matter, I pass the following order:

i) The Criminal Application is allowed.

ii) The sentence imposed on the appellant by impugned judgment and order dated 15.06.2022 is suspended.

iii) The applicant shall be released on bail on his furnishing P.R. Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount

iv) Bail before the lower Court.

The Criminal Application is **disposed of** accordingly.

JUDGE

Signed By:CHETAN LOPCHAND DHAKATE
Personal Assistant to the Hon'ble Judge
Signing Date:23.11.2022 16:32

C.L.Dhakate