

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

CRIMINAL APPEAL NO. 455 OF 2022

Sanjay s/o Somnath Mishra .Vs. State of Maharashtra, thr. PSO. P.S. City Kotwali, Akola 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 M.G.Mohta, Advocate for the appellant.

Shri N.R.Rode, A.P.P. for the respondent No.1/State.

Shri Sourabh Singha, Advocate for the respondent No.2 (appointed).

CORAM : ANIL S. KILOR, J.

DATED : 06/12/2022

1. Heard.
2. **Admit**
3. Call for record and proceedings.
4. Shri N.R.Rode, learned APP waives service of notice for the respondent No.1/State.
5. Shri Sourabh Singha, learned Advocate waives service of notice for the respondent No.2.

CRIMINAL APPLICATION (APPA) NO. 573/2022

6. This is an application for suspension of sentence and for grant of bail.
7. The appellant/applicant is convicted for the offences punishable under Sections 354, 354-A and 354-D of the Indian Penal Code, 1860 and is sentenced to suffer rigorous imprisonment for three years and to

pay fine of Rs. 5,000/- (Rs. Five Thousand only), in default to suffer simple imprisonment for six months.

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/applicant was on bail during pendency of the trial.

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

- i) The Criminal Application is **allowed**.
- ii) The sentence imposed on the appellant/applicant by impugned judgment and order dated 28/06/2022 is suspended.
- iii) The appellant/applicant shall be released on bail on his furnishing P.R. Bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.
- iv) Bail before the lower Court.

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

JUDGE