

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

Criminal Application (APPA) No. 601 of 2022

in

Criminal Appeal No. 474 of 2022

Akshay S/o Shankar Chandekar

Versus

**State of Maharashtra, through Police Station Officer,
Police Station Lohara, Tahsil and District Yavatmal 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 Mahesh Rai, Advocate for the applicant.

Shri Sagar Ashirgade, APP for the non-applicant.

CORAM : ANIL S. KILOR, J.

DATED : 06th OCTOBER, 2022.

This is an application filed under Section 389 of the Code of Criminal Procedure for suspension of sentence and grant of bail. The applicant has filed appeal by challenging the judgment and order dated 17th June, 2022 passed by the learned Additional Sessions Judge, (Special Court), Yavatmal in Special (Child) Case No. 61 of 2020, convicting the applicant for the offence punishable under Section 354 of Indian Penal Code and sentenced to suffer rigorous imprisonment for two years and to pay fine of Rs.1,000/-, in default of payment of fine accused to undergo simple imprisonment for three months.

2. The applicant was further convicted for the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act and sentenced to suffer rigorous imprisonment for three years and to pay a fine of Rs.2000/- in default to suffer further simple imprisonment for three months.

3. I have perused the findings recorded by the learned Sessions Judge in the impugned judgment and order and thereupon, I am of the opinion that applicant is having arguable case and re-appreciation of the evidence is necessary in this case. There is no likelihood that this matter would come up for final hearing in near future. There is one more reason to allow this application is that applicant was on bail during the trial. Accordingly, I pass the following order:

- i. Criminal application is **allowed**.
- ii. The *ad interim* suspension order dated 28/07/2022, is hereby confirmed, till disposal of the appeal.
- iii. Bail as in the trial Court with fresh bonds.

[ANIL S. KILOR, J.]