

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

CRIMINAL APPEAL NO.499/2022

Shahrulkh Shaikh S/o. Firoj Shaikh Vs. State of Maharashtra and Anr.

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

Court's or Judge's order

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Mr. G. S. Gour, Advocate h/f. Mr. D. V. Chauhan, Advocate for Appellant.
Mr. Amit A. Madiwale, A.P.P. for Respondent(s)/State.

CORAM : AMIT B. BORKAR, J.

DATED : 2nd AUGUST, 2022.

. Heard.

. **Admit.**

3. Mr. Amit A. Madiwale, learned A.P.P. waive notice for Respondent/State.

CRIMINAL APPLICATION (APPA) NO.641/2022

. This is an application under Section 389 of the Code of Criminal Procedure for suspension of sentence imposed in Special (POCSO) Case No.139/2021 by the Sessions Court, Nagpur under Sections 354-D(1)(i), 294, 324, 506(1), 354A(1)(i)(ii) of the Indian Penal Code and Section 11(i)(iv) read with Section 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The learned Advocate for the applicant states that the applicant was on bail during the trial. Since the appeal is admitted, it is unlikely that within a period of two

years it will be heard. Therefore, the applicant is deserves to be released on bail on the same terms and conditions as were imposed by the Trial Court while suspending the sentence.

3. I, therefore, pass the following order :

- i] The application under Section 389 of the Code of Criminal Procedure is allowed.
- ii] The substantive sentence imposed on the applicant is hereby suspended.
- iii] The applicant shall be released on bail on the same terms and conditions as were imposed by the Sessions Court while suspending the sentence.
- iv] The applicant shall furnish fresh bonds.
- v] The applicant shall report the Sessions Judge, Nagpur once in a year in the first week of January of each year.

4. The application stands disposed of.

JUDGE