

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

CRIMINAL APPLICATION [APPA] NO.642 OF 2022 IN
CRIMINAL APPEAL NO.500 OF 2022

[Ashray s/o Chandrakant Kale .vs. State of Maharashtra, through Police Station Officer, Police Station, Khadan, Tahsil and District-Akola and one]

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

Court's or Judge's orders

Shri S.B. Gandhe, Adv. h/f Shri A.M. Tirukh, Adv. for applicant,
Shri A.M. Kadukar, APP for respondent no.1-State,
Ms. P.D. Rane, Advocate for respondent no.2.

.....

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 23/09/2022.

Present application is filed by applicant-appellant for suspension of sentence and releasing him on bail.

2. Vide order dated 21.07.2022, the learned Extra Joint District Judge and Additional Sessions Judge, Akola convicted accused for committing offence under section 354 of the Indian Penal Code and awarded sentence to suffer rigorous imprisonment for one year. He was also convicted for committing offence under section 354-A of the Indian Penal Code and awarded sentence to suffer rigorous imprisonment for three years. He was also convicted for committing offence under section 354-D of the Indian Penal Code and awarded sentence to suffer rigorous imprisonment for three years. In all the above sections, fine of Rs.5,000/- each for the above offences was imposed. He was also convicted for committing offence under section 341 of the Indian Penal Code and awarded sentence to suffer rigorous

imprisonment for one month and to pay fine of Rs.500/-. He was also convicted for committing offence under section 7 punishable under Section 8 of the Prevention of Children from Sexual Offences Act and awarded sentence to suffer rigorous imprisonment for five years and to pay fine of Rs.10,000/-. The applicant has deposited the fine amount of Rs.25,500/- before the learned Sessions Court at Akola on 02.08.2022 in Sessions Trial No.12/2020 as informed by the learned counsel for the applicant vide pursis dated 03.08.2022 along with receipt. The applicant was on bail during the pendency of sessions case. There is no incidence of misuse of said liberty.

3. The learned counsel for respondent no.2 vehemently opposed the application.

4. However, considering the nature of offence and also considering the pendency of criminal appeals, it would not be possible for this court to take up this appeal on priority basis. Thus, it would be appropriate to suspend execution of substantive sentence in the above referred judgment. Hence, I pass the following order :

ORDER

(i) The execution of substantive sentence is suspended and applicant-accused be released on bail on the same terms and conditions imposed by the Sessions Court. The applicant-accused to furnish bail bond to the satisfaction of the learned Sessions Court, within a week.

(ii) Criminal Application is allowed and disposed of.