

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

CRIMINAL APPLICATION (APPA) NO.667 OF 2022
IN
CRIMINAL APPEAL NO.518 OF 2022

Pramod S/o Hansraj Bawanthale .Vs. State of Maharashtra 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.Y Sharma, Advocate for the applicant.

Ms Shamsi Haider, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 02/12/2022

1. 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 19.07.2022 passed by the learned Extra Joint Additional Judge (Special Judge, POCSO Court), Nagpur in Spl. Cri.(Child) Case No.147 of 2017, convicting the applicant for the offence punishable under Section 8 of of the Protection of Children from Sexual Offences Act, 2012 vide Section 235(2) of the Code of Criminal Procedure and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.10,000/-, in default to suffer rigorous imprisonment for three months.

2. 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. The criminal application is **allowed**.
- ii. The *ad-interim* suspension order dated 11.08.2022, is hereby confirmed, till disposal of the appeal.
- iii. Bail as in the trial with fresh bonds.

JUDGE