

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

CRIMINAL APPEAL NO.604 OF 2022
WITH
CRIMINAL APPLICATION (APPA) NO.777 OF 2022

(SANDIP ARUN KHANDARE .VS.. STATE OF MAHARASHTRA, THR. PSO PS
MURTIZAPUR RURAL, DISTT. AKOLA)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms Jyoti R. Damodar, Adv. h/f. Shri A.S.Londhe, Advocate for Appellant.
Shri N.R. Rode, APP for the State / Respondent No.1.

CORAM : ANIL S. KILOR, J.

DATED : 07.12.2022.

CRI.APPEAL NO.604/2022.

1. Heard.
2. ADMIT.
3. The learned APP waives service of notice on behalf of respondent No.1/State.
4. Call for the record and proceedings.

CRI.APPLN.NO.777/2022

5. This is an application filed under Section 389 of the Code of Criminal Procedure for suspension of sentence and for grant of bail.

6. The applicant was convicted for the offences under Section 354-B of the Indian Penal Code and Section 7 punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment for Seven years and five years respectively and to pay fine of Rs.10,000/- each for both the offences in default to suffer simple imprisonment for three months.

7. I have perused the findings recorded by the learned Extra Joint District Judge and Additional Sessions Judge, Akola in the impugned judgment and order and thereupon, I am of the opinion that applicant is having arguable case and re-appreciation and reappraisal of the evidence is necessary in this case. There is no likelihood that this matter would come up for final hearing in near future. Accordingly, I pass the following order:

- i. Criminal application is **allowed**.
- ii. The sentence imposed by the learned Extra Joint District Judge and Additional Sessions Judge, Akola in Sessions Trial No.78 of 2016 vide judgment and order dated 04.07.2022, is suspended, till disposal of the appeal.

- iii. The applicant be released on bail on his executing P.R. Bond in the sum of Rs.Twenty Five Thousand with one solvent surety in the like amount.
- iv. Bail before the Trial Court.

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

[JUDGE]