

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

CRIMINAL APPLICATION (APPA) NO.779 OF 2022
IN
CRIMINAL APPEAL NO.606 OF 2022

SURAJ VASANTA INGALE
VS
STATE OF MHA. THR. PSO PS PATUR TAH.PATUR DIST.AKOLA 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 C.N. Wankhede, Advocate for applicant
Shri S. D. Sirpurkar, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 25.11.2022.

1. This is an application filed under Section 389(2) of the Code of Criminal Procedure for suspension of sentence and grant of bail.
2. The applicant was convicted for the offence under Section 16 punishable under Section 17 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment for five years and to pay fine of Rs.10,000/-, in default to pay fine, further to suffer simple imprisonment for three months.
3. I have perused the findings recorded by the learned 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. There is one more ground is that the applicant was on bail during the trial. 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 Spl. (POCSO) Case No.80 of 2019 vide judgment and order dated 01.08.2022, is suspended, till disposal of the appeal.
- iii. Bail as in the trial Court with fresh Bonds.

[JUDGE]

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