

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

CRIMINAL APPEAL NO.630/2022

Janardhan s/o Gunaji Kodape

Vs.

State of Maharashtra, through its P.S.O. P.S. Deoli, Distt. Wardha

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

Court's or Judge's orders

Shri P.S. Kadam, Advocate for appellant
Shri I.J. Damle, APP for respondent/State

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

1. **Admit.**
2. Call for record and proceedings.
3. Learned Additional Public Prosecutor waives notice for respondent/State.

CRIMINAL APPLICATION (APPA) NO.824/2022

The present application is filed for suspension of sentence and for grant of bail. On perusal of judgment it appears that three of the witnesses have not supported the prosecution story. Therefore, possibility of false implication cannot be ruled out.

2. The applicant submits that he is convicted for the offences punishable under Section 8 of the Protection of Children from Sexual Offences Act and was sentenced to suffer rigorous imprisonment for three years and to pay a fine of Rs.3,000/- and he is also convicted for the offences punishable under

Section 354 and 452 of the Indian Penal Code and was sentenced to suffer rigorous imprisonment for two years and to pay a fine of Rs.2,000/- respectively. The entire fine amount is deposited on 24/08/2022. He is bailed out during the pendency of trial.

3. It is submitted that during the trial, he was on bail and has not misused his liberty. As such it will be appropriate to release the applicant on bail and to suspend substantive sentence. Accordingly, I proceed to pass the following order.

ORDER

- i) The application is allowed.
- ii) The execution of substantive sentence imposed upon the applicant-Janardhan s/o Gunaji Kodape by the learned Extra Joint Additional Sessions Judge and Special Judge, Wardha in Special (Ch.Act) Case No.98/2021 by judgment and order dated 24/08/2022, shall remain suspended during the pendency of the present appeal.
- iii) Applicant- Janardhan s/o Gunaji Kodape be released on bail on the same terms and conditions of bail, to the satisfaction of the trial Court.
- iv) The applicant to furnish bail bond before the learned Extra Joint Additional Sessions Judge and Special Judge, Wardha within a week.

The application stands disposed of.