

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

CRIMINAL APPEAL NO. 665 OF 2022

Mahesh s/o Moreshwar Dambhare

Versus

State of Maharashtra, through P.S.O., P.S. Umred, District Nagpur.

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

Court's or Judge's Order

Shri A.C.Jaltare, Advocate for the applicant.

Shri S.D.Sirpurkar, A.P.P. for the non-applicant No.1/State.

CORAM : ANIL S. KILOR, J.

DATED : 04/10/2022

Heard.

2. **Admit.**
3. Call for record and proceedings.
4. Shri S.D.Sirpurkar, learned APP waives service of notice for the non-applicant No.1/State.

Criminal Application (APPA) No. 862/2022

1. This is an application filed under Section 389 of the Code of Criminal Procedure for suspension of sentence and for grant of bail.
2. The applicant has been convicted for the offence punishable under Section 235 of the Code of Criminal Procedure and he is sentenced to suffer rigorous imprisonment for two years and to pay fine of Rs. 2000/-, in default of fine to suffer rigorous imprisonment for four months for the offences punishable under Section 354-C of the Indian Penal

Code and similar offence under Sections 11 punishable under Section 12 of the Protection of Children from Sexual Offences Act, 2012.

3. The applicant is on bail during the pendency of trial.

4. I have perused the impugned judgment and order and findings recorded by the learned trial Court, I am of the opinion that in this case re-appreciation and reappraisal of the evidence is necessary. Moreover, as there is no likelihood that this matter would come up for hearing in near future, the present application needs to be allowed. Hence, I pass the following order:

- i] Criminal application is **allowed**.
- ii] The substantive sentence imposed by the learned Extra Joint Additional Sessions Judge, Nagpur in POCSO Case No. 264/2018 vide judgment dated 06/09/2022, is suspended till disposal of the appeal;
- iii] The applicant shall be released on bail on executing P.R. Bond for Rs.15,000/- with one solvent surety in the like amount.

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

[ANIL S. KILOR, J.]