

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**Criminal Application [APPA] No.717 of 2021**  
**in**  
**Criminal Appeal No.531 of 2021**

*Dhanraj Manikrao Wasekar*

vs.

*The State of Maharashtra, through P.S.O. Sawangi (Meghe), Tah. & Dist. Wardha*

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.  
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Court's or Judge's Orders

*Mr. P.S. Kadam, Advocate for the Applicant/Appellant.*  
*Ms. H.N. Jaipurkar, A.P.P. for the Non-Applicant/Respondent.*

**CORAM : SURENDRA P. TAVADE, J.**  
**DATE : 6<sup>th</sup> JANUARY, 2022.**

This is an application for suspension of sentence. The applicant was tried for the offences punishable under Section 9(m) read with Section 10 of the Protection of Children from Sexual Offences Act and Sections 354-A and 506 of the Indian Penal Code. The applicant was convicted for the offences punishable under Section 9(m) read with Section 10 of the Protection of Children from Sexual Offences Act and sentenced to undergo rigorous imprisonment for five years and to pay fine of Rs.3,000/-, in default to undergo simple imprisonment for six months.

02] It is contended that since the date of order of conviction, the applicant is in jail. He is the only earning member of his family. He has two children. It is also contended that the trial Court has not appreciated the evidence on record properly. There are good chances of acquittal of the applicant after hearing of the appeal. It is

also contended that the appeal may not be come up for hearing within a short period of time. Therefore, the applicant prays for bail.

03] The application is opposed by the State by filing reply. It is contended that the trial Court has rightly appreciated the evidence of PW-1 & PW-2. It is also contended that there is sufficient evidence against the applicant. The victim was aged about 11 years at the time of incident. It is also contended that no leniency should be shown to the applicant and his sentence may not be suspended.

04] Heard the learned Counsel for the applicant and the learned A.P.P. for the State. They have taken me through the evidence led before the trial Court. It appears that in all four witnesses are examined on behalf of the State. The crucial witnesses for the prosecution are the victim girl and her mother. It appears that the victim and her mother have supported the prosecution case. In the cross-examination, some material is brought on record, which shows that there was previous enmity between the mother of the victim and the applicant. Except the victim, nobody is examined as an eye witness. In fact, there was no eye witness to the incident.

05] On going through the evidence of the victim and her mother, it appears that their evidence requires re-appreciation in this appeal. It appears that the appeal may not be heard within short period of time. Therefore, it is not

just and reasonable to reject the prayer of applicant for suspension of sentence. Hence, I pass the following order:

**ORDER**

- i. The application is allowed.
- ii. The sentence imposed upon the applicant is hereby suspended till final hearing of this appeal.
- iii. The applicant is ordered to be released on bail on his executing a P.R. Bond in the sum of Rs.15,000/- with a solvent surety in the like amount.
- iv. Bail before the trial Court.

**JUDGE**

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