

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

CRIMINAL APPEAL NO. 34 OF 2022

Shuddhodhan Dinkar Gawai

...Versus...

State of Maharashtra, Through the P.S.O., P.S. Old City, Akola, Taluka & Distt. Akola

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

Court's or Judge's orders

Shri N.A. Badar, Advocate for appellant
Shri S.D. Sirpurkar, A.P.P. for respondent/State

CORAM : SURENDRA P. TAVADE, J.

DATE : 21/01/2022

Heard.

2. **Admit.**
3. Call record and proceedings in Sessions Case No. 8/2018 from trial court.
4. Learned A.P.P. waives notice for the respondent-State.

CRIMINAL APPLICATION (APPA) NO. 50 OF 2022

This is an application for suspension of sentence and for bail. The applicant was tried for the offence punishable under Sections 354-A, 506 of the Indian Penal Code and 11(i) p. u/s 12 of the Protection of Children from Sexual Offences Act. On completion of trial, the applicant was held guilty for the offence under Section 354-A and sentenced to suffer R.I. for three years and to pay fine of Rs. 10,000/-, in default of payment he was directed to suffer S.I. for three months. He was also found held guilty for the offence punishable under Section 506 of the Indian Penal Code and sentenced to suffer R.I. for two years and to pay a fine of Rs.10,000/-, in default of payment he is directed to undergo S.I. for three months. The applicant is also held guilty under

Sections 11(i), p. u/s. 12 of the Protection of Children from Sexual Offences Act and sentenced to suffer R.I. for three years and to pay a fine of Rs. 10,000/- and in default of payment he is directed to undergo S.I. for three months. It is contended that the applicant was released on bail during the pendency of trial. The applicant is in jail since the date of conviction namely on 24/09/2021. It is contended that the applicant will not tamper with the prosecution witnesses and he will attend the hearing of this appeal regularly. It is also contended that the appeal may not be heard within short period. Therefore, it is prayed that applicant be released on bail.

2. Heard learned counsel for the applicant. Perused judgment passed against the applicant in the trial Court.

3. Heard learned A.P.P. for the non applicant-State.

4. The applicant was convicted for the offences charged against him and he was sentenced to suffer R.I. for three years and to pay a fine of Rs. 10,000/- on each count. There is no possibility of early hearing of this appeal. Therefore, the applicant is entitled for bail. Hence, I Pass the following order:

(i) The application is allowed.

(ii) The sentence imposed upon the applicant is hereby suspended till hearing of this appeal.

(iii) The applicant – Shuddhodhan Dinkar Gawai is ordered to be released on bail on furnishing P.R. bond of Rs.15,000/- with one surety in the like amount

(iv) The applicant is directed to attend hearing of this appeal regularly.

(SURENDRA P. TAVADE, J.)