

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

Criminal Appeal No. 50 of 2022

Dilip Hansaraj Kolhare

Versus

State of Maharashtra, through Police Station Officer, Sakoli, Tah. & Dist.
Bhandara.

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

Court's or Judge's Order

Shri O.W.Gupta, Advocate for the Appellant.

Shri S.D.Sirpurkar, APP for the respondent.

CORAM : ANIL S. KILOR, J.

DATED : 16th FEBRUARY, 2022.

Heard learned counsel for the applicant and
learned Additional Public Prosecutor.

2. **ADMIT.**

3. Call record and proceedings.

Criminal Application (APPA) No. 78 of 2022

This is an application filed under Section 389 of the Code of Criminal Procedure for suspension of sentence and grant of bail. The applicant is convicted for the offence punishable under Section 354(1)(i) of

the Indian Penal Code and Section 8 of the POCSO Act and was sentenced to suffer rigorous imprisonment for three years and six months passed by the Special Judge, Bhandara in Special (POCSO) Case No. 5 of 2018 vide judgment and order dated 3rd December, 2021.

2. Learned counsel for the applicant submits that the applicant was on bail during the trial and presently he is in jail from 3rd December, 2021 i.e. from the date of the impugned judgment. He submits that the appellant has good case on merit and there is every likelihood that he would succeed in the present appeal. He further submits that he is the only earning member in his family. In that view of the matter, I am of the opinion that this application needs to be allowed. Accordingly, I pass the following order.

ORDER

- i. The application is allowed;
- ii. Sentence as imposed by the learned Special Judge, Bhandara in Special (POCSO) Case No. 5 of 2018 vide judgment and order dated 3rd December, 2021 is hereby suspended till the decision of this appeal;
- iii. It is directed that the applicant shall be released on bail on furnishing P.R. Bond for

Rs.20,000/- (Rs. Twenty Thousand) and one solvent surey in the like amount;

iv. The applicant shall attend the nearest police station i.e. Sakoli on 1st and 15th of every month till the decision of this appeal;

v. Humdast is granted.

[ANIL S. KILOR, J.]

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