

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

CRIMINAL APPEAL NO.732 OF 2022

AJAY @ BABU SANTOSH BAWANE

VS

STATE OF MHA. THR. PSO PS OLD AKOLA TAH. AND DIST.AKOLA AND ANOTHER

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

Court's or Judge's Order

Shri A.M. Tirukh, Advocate for applicant

Shri V.A. Thakare, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 25.11.2022.

Today, the victim is personally present in the Court and she is praying for legal aid.

Ms Mukta R. Kavimandan, learned Advocate from the Panel of the High Court Legal Services Sub-Committee, Nagpur, is appointed to represent the non-applicant No.2/victim

Office is requested to communicate this Order to Ms Mukta Kavimandan, Advocate.

CRIMINAL APPLICATION (APPA) NO.952 OF 2022

1. This is an application filed under Section 389(2) of the Code of Criminal Procedure for suspension of sentence and grant of bail.

2. The applicant was convicted for the offences punishable under Sections 454-A(1)(i) of the Indian Penal Code and Section 7 punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment for three years and also to pay fine of Rs.5,000/-, in default to pay fine, further to suffer simple Imprisonment of one month.

3. The applicant was further convicted for the offence punishable under Section 452 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for two years and also to pay fine of Rs.2,000/-, in default to pay fine, further to suffer simple Imprisonment of 15 days.

4. The applicant was further convicted for the offence punishable under Section 354 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for two years and also to pay fine of Rs.2,000/-, in default to pay fine, further to suffer simple Imprisonment of 15 days.

5. The applicant was further convicted for the offence punishable under Section 354-B of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and also to pay fine of

Rs.5,000/-, in default to pay fine, further to suffer simple Imprisonment of one month.

6. I have perused the findings recorded by the learned Additional Sessions Judge, Akola in the impugned judgment and order and thereupon, I am of the opinion that applicant is having arguable case and re-appreciation and reappraisal of the evidence is necessary in this case. There is no likelihood that this matter would come up for final hearing in near future. There is one more ground is that the applicant was on bail throughout the trial. Accordingly, I pass the following order:

- i. Criminal application is **allowed**.
- ii. The order granting suspension of sentence dated 20.10.2022, is hereby confirmed, till disposal of the appeal.
- iii. Bail as in the trial Court with fresh Bonds.

[JUDGE]

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