

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

CRIMINAL APPEAL NO.796 OF 2022

Gajanan S/o Jaishreeram Bhalerao .Vs. State of Maharashtra, through P.S.O., P.S.
Dhantoli, Nagpur

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

Court's or Judge's Order

Shri V.K. Nankani, Advocate for the applicant.

Shri V.A. Thakare, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 23/11/2022

1. Heard.
2. **Admit.**
3. Call record and proceedings.
4. Shri Thakare, learned APP waives service of notice to the non-applicant/State.
5. Learned counsel for the applicant shall remove office objections.

CRIMINAL APPLICATION(APPA) NO.1021 OF 2022

6. This is an application for suspension of sentence and for grant of bail.
7. The applicant was convicted for the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 vide Section 235(2) of the Code of Criminal Procedure He is sentenced to suffer Rigorous Imprisonment for 3 years and fine for the

aforesaid sections. The said fine amount is reported to be deposited by the appellant.

8. After going through the judgment, I am of the opinion that it is necessary to re-look the matter afresh. It is also submitted that the appellant was on bail during pendency of the trial.

In that view of the matter, I pass the following order:

- i) The Criminal Application is **allowed**.
- ii) The sentence imposed on the applicant by impugned judgment and order dated 12.10.2022 is suspended.
- iii) The applicant shall be released on bail on his furnishing P.R. Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount
- iv) Bail before the lower Court.

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

JUDGE