

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

CRIMINAL APPEAL NO.812 OF 2022

WITH

CRIMINAL APPLICATION (APPA) NO.1039 OF 2022

(NITIN @ UMESH SURESH METANGE...VS.. STATE OF MAH. THR. PSO PS AKOLA)

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

Court's or Judge's orders

Shri S.G.Joshi, Advocate for Appellant.
Ms Shamsi Haider, A.P.P. for Respondent No.1/State.

CORAM : ANIL S. KILOR, J.

DATED : NOVEMBER 22, 2022.

CRI. APPEALNO.812/2022.

1. Heard.
2. **ADMIT.**
3. Call R & P.
4. Ms Shamsi Haider, learned A.P.P. waives notice for the respondent.

CRI.APPLN.NO.1039/2022

5. This is an application for suspension of sentence and for grant of bail.
6. The appellant is convicted for the offence punishable under Sections 354-D and 506 of the Indian Penal Code and Section 11(iv) of the Protection of Children from Sexual Offences Act, 2012. 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.

7. 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.

8. 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 18/11/2022 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