

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

CRIMINAL APPEAL NO. 847 OF 2022

Dilip Devidas Rathod .Vs. State of Maharashtra, thr. Officer In-charge, Police Station, Ner Tah. Ner, District Yavatmal and another.

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

Court's or Judge's Order

Mr V.G.Wankhede, Advocate for the appellant.

Ms Shamshi Haider, A.P.P. for the respondent/State.

CORAM : ANIL S. KILOR, J.
DATED : 06/12/2022

1. Heard.
2. Admit
3. Call for record and proceedings.
4. Ms Shamshi Haider, learned APP waives service of notice for the respondent/State.

CRIMINAL APPLICATION (APPA) NO. 1101/2022

5. This is an application for suspension of sentence and for grant of bail.
6. The appellant/applicant is convicted for the offence punishable under Section 354-A of the Indian Penal Code, 1860, and he is sentenced to suffer rigorous imprisonment for 2 years (two years), and to pay fine of Rs. 3000/- (three thousand), in default to suffer further simple imprisonment for three months.

The appellant/applicant is further convicted for the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act and sentence to suffer rigorous imprisonment for 3 years (three years), and to pay fine of Rs. 10,000/- (ten thousand) in default to suffer further simple imprisonment for 6 months. The above said fine amounts were reported to be deposited by the appellant/applicant.

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 appellants/applicants were 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 appellant/applicant by impugned judgment and order dated 05/11/2022 is suspended.
- iii) The appellant/applicant shall be released on bail on his furnishing P.R. Bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.
- iv) Bail before the lower Court.

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

JUDGE