

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

CRIMINAL APPLICATION (APPA) NO.731/2022 IN
CRIMINAL APPEAL NO.568/2022

Kunjan s/o Shamrao Parate .vs. State of Maharashtra through PSO P.S. Tumsar, Tq.
Tumsar, Dist. Bhandara and anr.

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

Court's or Judge's orders

Mr. K. S. Motwani, Advocate for applicant.
Mr. N. R. Rode, A.P.P. for non applicant no.1-State

CORAM : ANIL L. PANSARE, J.
DATE : JANUARY 6, 2023.

Heard learned counsel for applicant and learned
A.P.P. for non applicant no.1-State. None appeared for non
applicant no.2, though served.

2. The applicant is seeking suspension of sentence that
has been awarded by the learned Special Judged, Bhandara in
Special Case (Child Protection) No. 94/2000, whereby he has
been held guilty and convicted for an offence punishable
under Sections 354-A(1)(i), 354(D)(1)(i) of the Indian Penal
Code and Section 8 of the Protection of Children from Sexual
Offences Act, 2012 and has been sentenced to suffer rigorous
imprisonment for three years and also to pay a fine of
Rs.5,000/-.

3. The learned counsel for applicant submits that the
fine amount has already been deposited in the trial Court.

The applicant was on bail during trial. There are no allegations of misuse of bail pending trial and subsequent thereto. The appeal will take its own time for decision. The learned counsel for the applicant submits that he has an arguable case.

4. In the circumstances, the applicant has made out a case for suspension of sentence and for grant of bail. Hence, following order is passed.

ORDER

- (i) The application is allowed.
- (ii) The execution of sentence imposed upon the applicant by Judgment and order dated 05.08.2022 passed by learned Additional Sessions Judge, (Special Judge, POCSO), Bhandara in Special (Child Protection) Case No. 94/2020, is suspended.
- (iii) Applicant-Kunjan s/o Shamrao Parate, shall furnish P.R. bond in the sum of Rs.25,000/- with one surety in the like amount before the lower Court.
- (iv) The applicant shall remain present before this Court at the time of final hearing of the appeal.

The application is disposed of.

(Anil L. Pansare, J.)