

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

CRIMINAL APPLICATION (APPA) NO. 959 OF 2022

IN

CRIMINAL APPEAL NO. 745 OF 2022

Gajanan S/o Sakharam Rohankar vs. The State of Maharashtra & anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Mahesh Rai, Advocate for appellant.
Mr. N. R. Rode, APP for respondent No.1 State.
Ms. S. D. Wankhede, Advocate for respondent No.2.

CORAM : ANIL L. PANSARE J.

DATE : 06/01/2023

Heard.

2. This is an application filed by the applicant under Section 389 of the Criminal Procedure Code, 1973 for suspension of sentence and grant of bail. By order dated 21/10/2022, the execution of sentence was suspended by this Court till final hearing of this application.

3. The appellant has been convicted for the offence punishable under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, and has been sentenced to undergo imprisonment for three years and fine of Rs.2000/-.

4. Learned counsel for the applicant submits that trial Court suspended the execution of sentence till filing of appeal. The applicant was on bail, pending trial. The prosecution has not made any grievance of misuse of the liberty so granted.

5. For the reasons stated in the application and considering the fact that the applicant was on bail pending trial and has not misused the bail and further sentence imposed is of three years coupled with the fact that the appeal will take its own time, following order is passed :-

ORDER

A) Criminal Application is allowed.

B) The applicant to execute PR Bond in the sum of Rs.25000/-(Rupees Twenty Five Thousand only) with one solvent surety in the like amount.

C) The applicant shall mark his attendance before the concerned Police Station on every alternate Monday between 3.00p.m. to 5.00p.m.

D) The applicant shall, at the time of execution of bond, furnish his address and telephone/mobile number(s) to the SHO and

shall not change the mobile number and the residence till the final disposal of the appeal without prior permission of this Court.

E) The applicant shall remain personally present before the Court at the time of final hearing of the appeal.

F) In case of breach of any conditions, the learned trial Court is at liberty to cancel the bail after giving opportunity of hearing to both the sides.

JUDGE