



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

CRIMINAL APPLICATION [APPA] NO. 379 OF 2024

IN

CRIMINAL APPEAL NO. 229 OF 2024

ANIL @ ANNA HANSRAJ NEWARE

VERSUS

STATE OF MAH., THRU. P.S.O., P.S., BELA, NAGPUR 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. Sukrut S. Sohoni, Advocate for the applicant.
Mr. C. A. Lokhande, A.P.P. for the non-applicant /State

CORAM : G. A. SANAP, J.

DATE : OCTOBER 15, 2024.

1. Heard learned advocate for the appellant and learned Additional Public Prosecutor for the State. Perused the record and proceedings.
2. This is an application for suspension of substantive sentence and for grant of bail.
3. The appellant/applicant and other co-accused, on conviction, has been sentenced to suffer imprisonment for ten years.
4. It is stated that the evidence of the victim girl is not cogent, concrete and reliable. There are major inconsistencies and discrepancies in her version. She has completely changed her version with regard to the incident

while recording her supplementary statement. It is pointed out that two co-accused namely, Yogesh Narad and Akash Waghade, have been released on bail by the Coordinate Bench of this Court, by suspending their substantive sentence. It is submitted that on the ground of parity in juxtaposition with the role attributed to the applicant, the substantive sentence needs to be suspended.

5. Learned APP submitted that considering the fact that the appellant is the main accused in the crime, his sentence cannot be suspended. It is submitted that at this stage, it is not necessary to go into the merits of the case.

6. I have gone through the record and proceedings. It is evident that two co-accused namely Yogesh and Akash, had been convicted and sentenced with the appellant. The sentence awarded to them has been suspended by the Coordinate Bench of this Court. I have gone through the relevant record. In my view, considering the role attributed to the applicant as well as to the co-accused, he cannot be denied the parity. In the facts and circumstances, the application deserves to be allowed.

7. Accordingly, the application is allowed.

8. The substantive sentence awarded by the learned Extra Joint District Judge and Additional Sessions Judge,

Nagpur in Special Criminal (Child) Case No. 243/2016 vide judgment and order 01.09.2023, shall remain suspended during pendency of this appeal.

9. Applicant – Anil @ Anna Hansraj Neware be released on bail on his furnishing PR bond in the sum of Rs.15,000/- with one surety in the like amount. Bail be furnished before the trial Court.

10. The application stands disposed of in the aforesaid terms.

(G. A. SANAP, J.)

Diwale