



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

CRIMINAL APPLICATION [APPA] NO. 586 OF 2024

IN

CRIMINAL APPEAL NO. 348 OF 2024

SANJAY RAMCHANDRA DONGRE

VERSUS

STATE OF MAH., P.S.O., P.S., GITTIKHADAN, NAGPUR

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

Court's or Judge's Order

Mr. Parth C. Malviya, Advocate for the applicant
Mr. Saurabh C. Joshi, A. P. P. for the respondent/State.

CORAM : G. A. SANAP, J.

DATE : SEPTEMBER 10, 2024.

1. Heard Mr. Parth Malviya, learned advocate for the applicant and Mr. Saurabh Joshi, 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 applicant has challenged the judgment and order dated 26.10.2023 passed by learned Special Judge, POCSO Court, Nagpur in Special Criminal (Child) Case No. 689/2021, whereby the learned Judge convicted the applicant for the offences punishable under Sections 323 and 506 of the Indian Penal Code and under Section 10 of the Protection of Children from Sexual Offences Act, 2012. The maximum sentence awarded is imprisonment for five years and to pay fine of Rs.5,000/- (Rupees Five thousand

only) for the offence punishable under Section 10 of the POCSO Act.

4. Mr. Malviya, learned advocate for the applicant submitted that he has good case on merits. He has stated the grounds of challenge to the impugned judgment and order in the appeal. It is submitted that the appeal may take some time for disposal. Learned advocate, therefore, prayed that the sentence may be suspended and the applicant be released on bail.

5. Learned Additional Public Prosecutor submits that the applicant has been convicted of a serious offence. He submitted that the Court may pass an appropriate order considering the facts and circumstances of the case.

6. On going through the record and proceedings, I am of the view that this appeal has to be heard on merits. The substantive sentence is imprisonment for Five years. The applicant has already deposited the fine amount. It is further evident from the record that initially, during pendency of the trial, the applicant was granted bail. Thereafter, for not attending the trial, a non-bailable warrant was issued against the applicant. The applicant was taken in custody and since then he is in jail.

7. In view of the quantum of substantive sentence and the facts stated above, the criminal application is allowed.

8. The substantive sentence awarded by the learned Special Judge, Nagpur vide judgment and order, dated 26.10.2023, shall remain suspended during pendency of the

appeal.

9. Applicant – Sanjay Ramchandra Dongre be released on bail on his furnishing PR bond in the sum of Rs.15,000/- with one surety of the like amount.

10. The criminal application stands disposed of.

(G. A. SANAP, J.)

Diwale