

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

CRIMINAL APPLICATION (APPA) NO. 476 OF 2023 IN
CRIMINAL APPEAL NO.290 OF 2023

Shoeb Mirza bag s/o Rahim Mirza Bag Vs. State of Maharashtra and Anr

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

Court's or Judge's orders.

Shri C.B. Barve, Advocate for appellant.
Shri I.J. Damle, APP for respondent no.1/State.
Ms Radha Mishra, Advocate appointed for respondent no.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : AUGUST 09, 2023.

The appellant has filed the application for suspension of sentence and for releasing the appellant on bail.

2. By passing order on 18.04.2023, this Court has granted interim relief by suspending the sentence. Now the victim is served and represented through appointed counsel.

3. Learned APP as well learned appointed counsel for the respondent no.2 strongly opposed the application on the ground that there is no reason spelt out by the present appellant to suspend the sentence.

4. Having heard both the sides and on perusal of the record it reveals that the appellant has made the grounds to show that he has fair chance of success in the present appeal. However, the appeal will take its own time for its final decision, in the meantime, if the sentence is executed the

purpose of preferring the appeal would be frustrated. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- i. The criminal application is allowed.
- ii. The execution of sentence awarded by the Additional Sessions Judge (Special Judge, POCSO Court), Nagpur in Special Criminal (Child) Case No.270/2017 dated 24.03.2023 is hereby suspended pending appeal.
- iii. The appellant be released on bail furnishing PR bond in the sum of ₹25,000/- with one surety of like amount.
- iv. The appellant shall furnish his cellphone number and his address with address proof.
- v. Professional fees of the learned appointed counsel for the respondent no.2 be quantified and paid as per Rules.

The application is disposed of.

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5. Appeal be placed before the Court for final hearing after preparation of paper book.

JUDGE