

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

Criminal Application (APPA) No. 591 of 2023

in

Criminal Appeal No. 379 of 2023

[Sujit s/o Lalit Soni ..vs.. State of Maharashtra, through In charge P.S.O., Arvi, Wardha
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. Mahesh Rai, Advocate for the applicant
Mr. M. J. Khan, APP for the State/non-applicant 1
Mrs. Sonali Saware Gadhave, Advocate for non-applicant 2 (appointed)

CORAM : URMILA JOSHI PHALKE J.

DATE : 11-08-2023

Present application is preferred for suspension of sentence and for releasing the appellant on bail.

2. The appellant was prosecuted for the offences punishable under Section 354 and 354-A(1) of the Indian Penal Code and under Sections 7, 8 and 9 of the Protection of Children from Sexual Offences Act. The learned trial Court after appreciating the evidence held the appellant guilty of the offences punishable under Section 354 and 354-A(1) of the Indian Penal Code along with Sections 7 and 8 of the Protection of Children from Sexual Offences Act and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs. 10,000/-. The appellant has already paid the fine amount.

3. As per the contention of the appellant, the learned trial Court has not appreciated the evidence in proper perspective. The offence punishable under Section 345A(1) itself is not proved by the prosecution. However, the appeal will take its own time for its final disposal. In the meanwhile, if the sentence is executed, the purpose of preferring the appeal would frustrate. In view of that, execution of sentence be suspended and the appellant be released on bail.

4. The application is strongly opposed by the State on the ground that no grounds are made out by the appellant to suspend the sentence. Learned counsel for respondent no. 2 reiterated the same contention.

5. Having heard the learned counsel for the appellant and learned APP for the State and learned appointed counsel for respondent no. 2, perused the impugned judgment.

6. Learned counsel for the appellant has pointed out some arguable points which show that appellant has fair chance of acquittal, the appeal will take its own time for its final decision, in the meanwhile, if the sentence is executed, the purpose of preferring the appeal would

frustrate. In view of that, the application deserves to be allowed. Accordingly, I pass the following order.

7. The application is allowed.

8. Execution of sentence is suspended till the disposal of the appeal.

9. The applicant/appellant is released on bail on executing PR bond of Rs. 15,000/- (Rupees Fifteen Thousand) with one solvent surety of like amount.

10. The application is disposed of.

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

JUDGE

wasnik