



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

CRIMINAL APPLICATION (APPA) NO. 9 OF 2024
IN
CRIMINAL APPEAL NO. 3 OF 2024

Santosh S/o Daulatrao Tarale

..VS..

State of Maharashtra through PSO, P.S. Balapur, Dist. Akola and another

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

Court's or Judge's orders

Mr. B.K. Vyas, Advocate for appellant/applicant.
Ms. Mayuri Deshmukh, APP for respondent No.1/State.
Ms. Kirti Deshpande, Advocate(appointed) for respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : FEBRUARY 27, 2024

By this application, the applicant is seeking suspension of sentence and releasing him on bail.

2. The appellant was prosecuted for the offence punishable under Sections 354 and 354-A of the Indian Penal Code and under Section 7 and 8 of the Protection of Children from Sexual Offence Act, 2012.

3. Learned Counsel for the appellant submitted that by way of interim relief, the execution of sentence is already suspended by this Court considering that the appellant has many arguable points of the present appeal. Moreover, the sentence is for a limited period and the appeal will take its own time for final decision

and in the meantime, if sentence is executed, the appeal will become infructuous.

4. Learned APP for respondent No.1/State and learned Counsel for respondent No.2 strongly opposed the application on the ground that the appeal is devoid of merit and application deserves to be rejected.

5. Having heard the learned Counsel for the appellant, learned APP for the respondent No.1 and learned Counsel for respondent No.2 and perused the impugned judgment, the learned Counsel for the appellant has pointed out to show that he has arguable points and he has every chance of success in the present appeal, but the appeal will take its own time for its final disposal and in the meantime if the sentence is executed, the appeal will become infructuous. Considering the same, the application for suspension of sentence deserves to be allowed. Accordingly, I proceed to pass following order :

- (i) The application is allowed.
- (ii) The applicant/appellant **Santosh S/o Daulatrao Tarale** is released on bail on executing P.R. bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The execution of the sentence passed by Extra Joint District Judge and Additional Sessions Judge,

Akola in Sessions Case No.167/2022 on 30.11.2023 is suspended till disposal of the appeal.

The Criminal Application No.9 of 2024 is **disposed** of.

CRIMINAL APPEAL NO. 3 OF 2024

Admit.

2. Call for record and proceedings.
3. The appeal be placed before the Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)

Kirtak