



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

CRIMINAL APPLICATION NO.30 OF 2024

IN

CRIMINAL APPEAL NO.12 OF 2024

(Sandip Rameshwar Dhande Vs. The State of Maharashtra)

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

Court's or Judge's Order

Mr. C. Kulkarni, Advocate for the applicant/appellant.
Ms T. Udeshi, APP for the non-applicant/State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JANUARY 10, 2024.

Heard.

2. By this application, the appellant is seeking suspension of sentence and releasing him on bail. Learned Counsel for the appellant submitted that the appellant was prosecuted for the offence punishable under Section 354, 354A and 452 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

3. Learned Counsel for the appellant submitted that the trial Court has not taken into consideration the material evidence and the cross-examination from which it is crystal clear that the offence under Section 354 or 354A is not made out. The age of the victim is also not proved by the prosecution. Thus, the appellant has every chance of success in the present appeal however, the appeal will take its own time for its final decision. In the meanwhile,

if sentence is executed, the appeal will become infructuous and prays for suspension of sentence.

4. Learned Additional Public Prosecutor strongly opposed the application on the ground that the appeal is devoid of merits and no case is made out for the suspension of sentence and prays for rejection of the application.

5. Having heard learned Counsel for the parties. Perused the impugned judgment.

6. Learned Counsel for the appellant has pointed out that the appellant is convicted of the offence punishable under Sections 354, 354-A and 452 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for one year and fine of Rs.15,000/-. The appellant has already deposited Rs.15,000/- towards fine amount. He also pointed out from the impugned judgment that he has arguable points in the present appeal. In view of that, the application deserves to be allowed, and therefore, I proceed to pass the following order :

(i) The application is allowed.

(ii) The execution of the sentence is hereby suspended till disposal of the appeal.

(iii) The appellant be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty five thousand) with one surety in the like amount.

(iv) The appellant shall furnish his Cell-phone number and address with the address proof before the lower Court.

7. The application stands disposed of.

CRIMINAL APPEAL NO.12 OF 2024

Heard.

2. **ADMIT.**

3. Call for R. & P.

4. Learned APP waives notice for the State.

5. Place the appeal before the Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)