



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

CRIMINAL APPLICATION (APPA) NO. 169 OF 2024
IN
CRIMINAL APPEAL NO. 85 OF 2024

Rameshwar Rustam Zalke

..VS..

State of Maharashtra through PSO, P.S. Barshitakli, Dist. Akola

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

Court's or Judge's orders

Mrs. Manju Ghatode, Advocate for appellant/applicant.
Ms. Mayuri Deshmukh, APP for respondent/State.

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 learned Counsel for the appellant submitted that the appellant was prosecuted for the offence punishable under Sections 452, 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 also placed on record the impugned judgment and the copies of the depositions and submitted that the trial Court has not considered the entire evidence available on record and erroneously convicted the present appellant. She has pointed out that she has arguable points of the present appeal and she has every chance of success in the present

appeal. She also invited my attention towards the cross-examination of the witnesses and submitted that 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 the State strongly opposed the application on the ground that the appeal is devoid of merit and, therefore the application deserves to be rejected.

5. After hearing both the sides and perusal of the impugned judgment and the depositions, admittedly, the sentence is for a limited period. Moreover, the appeal will take its own time for final decision, 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 **Rameshwar Rustam Zalke** 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.60/2023 on 27.12.2023 is suspended till disposal of the appeal.

The Criminal Application No.169 of 2024 is disposed of.

CRIMINAL APPEAL NO. 85 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