



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

CRIMINAL APPLICATION (APPA) NO. 194/2024 IN
CRIMINAL APPEAL NO. 108/2024

Vishal s/o Rajendra Dhage V/s 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. G.N. Shinde, counsel for the applicant/appellant.
Mr. A.G.Mate, APP for the respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 20/02/2024.

1. Heard.
2. By preferring this application, the applicant/appellant is seeking suspension of sentence and releasing him on bail.
3. The appellant was prosecuted for the offence punishable under Sections 363, 354-A(1)(i) of the Indian Penal Code, 1860 and Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012.
4. The learned Trial Court has held the present appellant guilty of the offence punishable under the above Sections and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs. 3,000/-. The appellant has further convicted the offence punishable under Section 363 and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs. 2,000/-.

5. Learned counsel for the appellant submitted that the learned trial Court has not considered the material evidence and erroneously convicted the present appellant. The appellant has every chance of success in the present appeal, however, the appeal will take its own time for final decision. In the meantime, if the sentence is executed, the appeal will become infructuous.

6. Learned APP has strongly opposed the present application and submitted that the appeal is devoid of merits and therefore, the application deserves to be rejected.

7. During the hearing of the appeal, the learned counsel for the appellant taken me through the depositions and also the impugned judgment, and pointed out that he has arguable points in the present appeal. Admittedly, the appeal will take its own time for its final decision. In the meantime, if the sentence is executed, the appeal will become infructuous.

8. In view of that, I proceed to pass following order :

- (i) The execution of the sentence is hereby suspended till disposal of the appeal.
- (ii) The applicant be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

9. The application stands **disposed of**.

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1. Heard.
2. **ADMIT.**
3. Call for R. & P.
4. Learned APP waives service of notice for the State.
5. Place the appeal before the Court after preparation of the paper book.

[URMILA JOSHI-PHALKE, J.]