



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

CRIMINAL APPLICATION (APPA) NO.351 OF 2024
IN
CRIMINAL APPEAL NO. 193 OF 2024

Sagar s/o Ambadas Itkar

Vs.

State of Maharashtra, Through Police Station Officer, Chikhli, District
Buldhana

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

Court's or Judge's orders

Mr. R. N. Ghuge, Advocate for applicant.

Mr. H. R. Dhumale, APP for respondent /State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 04/04/2024

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

2. Learned Counsel for the applicant submitted that the applicant was prosecuted for the offences punishable under Sections 354-D, 324, 506 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act. He pointed out from the judgment that he has many arguable points in the appeal, but the appeal will take its own time for its final decision. Moreover, the punishment imposed is for a limited period. If the sentence is executed the appeal will become infructuous.

3. Learned APP strongly opposed the application on the ground that appeal is devoid of merits. In view of that, the application deserves to be rejected.

4. After hearing the learned Counsel for the applicant, perused the impugned judgment. Considering the fact that the learned counsel for the applicant has pointed out from the impugned judgment that he has many arguable points in the present appeal. Moreover, the sentence impose is for a limited period and if the sentence executed, the appeal will become infructuous.

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

ORDER

(i) Criminal Application No.351/2024 is allowed.

(ii) The execution of the sentence passed in Special (POCSO) Case No.28/2020 is suspended till disposal of the appeal.

(iii) The applicant **Sagar s/o Ambadas Itkar** shall be released on bail on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

The criminal application is disposed of.

CRIMINAL APPEAL NO. 193 OF 2024

1. Heard.
2. **Admit.**
3. Learned APP waives service of notice for the State.
4. Call for record and proceedings.
5. Appeal be placed before the Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)