



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

CRIMINAL APPLICATION (APPA) NO. 367 OF 2024 IN
CRIMINAL APPEAL NO. 197 OF 2024

Pratik s/o Shivanand Bhagat 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

Ms. Anshula Paunikar, counsel h/f Mr. S.V.Sirpurkar, counsel for
applicant/appellant.

Mrs. H.N.Prabhu, APP for the respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 05/04/2024.

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

2. By this appeal, the appellant has challenged the judgment and order of sentenced passed by the Extra Joint Additional Sessions Judge (Special Court), Wardha, by which the appellant is convicted for the offence punishable under Section 12 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment for six months and to pay a fine of Rs. 1000/-, in default, to suffer further simple imprisonment for fifteen days.

3. Learned counsel Ms. Anshula Paunikar for the appellant submitted that the sentence imposed is of limited period. Moreover, there is a contradictory evidence of P.W.

No. 1 and the eye-witnesses. Thus, she has shown that there are arguable points in the present appeal and the appellant has every chance of success in the present appeal. In the meantime, if the sentence is executed, then appeal would become infructuous.

4. The learned APP strongly opposed the present application on the ground that appeal is devoid of merits.

5. Having heard the learned counsel for the appellant and the learned APP for the State, perused the impugned judgment. Considering the fact that limited period sentence is imposed on the present appellant and the appeal would take its own time for its final disposal. In the meantime, if the sentence is executed, then the appeal would become infructuous.

6. 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 shall be released on bail on executing PR. Bond in the sum of Rs.15,000/- with one solvent surety in the like amount.

7. The application stands **disposed of**.

CRIMINAL APPEAL NO. 197 OF 2024

1. Heard.

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

[URMILA JOSHI-PHALKE, J.]