



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

CRIMINAL APPLICATION (APPA) NO.482 OF 2023
IN
CRIMINAL APPEAL NO.298 OF 2023

(Dipak Gopichand Meshram Vs. The State of Maharashtra thr. PSO PS Adyal, Tahsil
Pauni, Dist. Bhandara and another)

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

Court's or Judge's orders.

Mr. M. N. Ali, Advocate for Applicant.
Ms. Ritu Sharma, A.P.P. for Non-Applicant No.1/State.
Ms. Anuprita S. Mishrikotkar, Advocate (appointed) for Non-Applicant No.2.

CORAM: URMILA JOSHI PHALKE, J.
DATE: 4th MARCH, 2024.

The applicant has filed this application under Section 389 of the Code of Criminal Procedure against the judgment and order of sentence passed in Special Case No.105/2020 for the offence punishable under sections 452, 354-A (1)(ii) of the Indian Penal Code and sentenced to undergo rigorous imprisonment for one year and fine of Rs.500/- and is sentenced to undergo rigorous imprisonment for three years for an offence punishable section 8 of the Protection of Children from Sexual Offences Act, 2012.

2. The learned counsel for the appellant submitted that the period of punishment is of limited period. The appeal would take its own time for its final decision, the appellant has every likelihood for success in the present appeal.

3. Learned A.P.P. strongly opposed the application on the ground that appeal is devoid of merit and liable to be dismissed.

4. In view of the submissions made by the learned counsel for the appellant, I have perused the impugned judgment and the depositions filed on record. The learned counsel for the appellant has pointed that he has arguable point in the present appeal. However, the appeal would take its own time for its final disposal. In the meanwhile, if the appellant succeeds, the appeal has become infructuous. In view of above, the application for suspension of sentence deserves to be allowed. Accordingly, I proceed to pass following order:

- i. The applicant – Dipak Gopichand Meshram shall be released on bail on executing P.R.

in the sum of Rs.25,000/- with one solvent surety in the like amount.

- ii. The execution of the sentence is suspended, till the disposal of the appeal.

5. The fees of the learned appointed counsel be quantified and paid in accordance with rules.

CRIMINAL APPEAL NO.298/2023:

The appeal be placed after the preparation of the paper-book.

JUDGE