



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

CRIMINAL APPLICATION (APPA) NO. 551 OF 2024
IN
CRIMINAL APPEAL NO. 312 /2024.

Ajay @ Golu Parbhakar Daberao 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. N.R. Raut, counsel for the applicant/appellant.
Mr. S. Joshi, APP for the non-applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 20/06/2024.

1. Heard.
2. By preferring this application, the applicant / appellant is seeking suspension of sentence and releasing him on bail.
3. Learned counsel for the applicant submitted that the applicant was prosecuted for the offence punishable under Sections 354, 354-A, and 506(II) of the Indian Penal Code, 1860, and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, (POCSO), 2012.
4. Learned counsel for the applicant submitted that, learned trial Court has not appreciated the evidence in proper perspective. He also pointed out from the impugned judgment that he has many arguable points in the present appeal but the punishment imposed is of a limited period, and in the

meanwhile, if the sentence is executed, the appeal will become infructuous.

5. Learned APP strongly opposed the said application on the ground that the appeal is devoid of merits and prays for rejection of the application.

6. After hearing learned counsel for the applicant and learned APP for the State, perused the impugned judgment. From which, the learned counsel for the applicant has pointed out that he has many arguable points in the present appeal. However, considering the punishment imposed is of a limited period and if sentence is executed, definitely the appeal will become infructuous. In view of that, criminal application deserves to be allowed. Accordingly, I proceed to pass the following order:

- (i) The application is allowed.
- (ii) The execution of the sentence passed in Special Case No. 46/2020 is hereby suspended till disposal of the appeal.
- (iii) 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.
- (iv) The criminal application is **disposed of**.

CRIMINAL APPEAL NO. 312 OF 2024

1. Heard.
2. **ADMIT.**
3. Call for R. & P.
4. Learned Additional Public Prosecutor waives service of notice on behalf of respondent/State.
5. Place the appeal before the Court after preparation of the paper book.

[URMILA JOSHI-PHALKE, J.]