



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

CRIMINAL APPLICATION (APPA) NO.556 OF 2024
IN
CRIMINAL APPEAL NO.315 OF 2024

Vitthal s/o Bhagwat Shinde

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Shirpur, District Washim

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

Court's or Judge's orders

Mr. Raju Kadu, Advocate for applicant.

Mr. D. V. Chauhan, Public Prosecutor, for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/06/2024

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

2. The applicant was prosecuted for the offences punishable under Sections 354, 354-A, 354-D, 323 and 504 of the Indian Penal Code and under Section 8 of the Protection of Children from Sexual Offences Act and Sections 3(1)(w)(i), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

3. Learned Counsel for the applicant submitted the applicant is convicted for the offence punishable under Section 354 of the Indian Penal Code and sentenced to suffer rigorous imprisonment

for one and half years and fine of Rs.2,000/-, in default of payment of fine, simple imprisonment for eight days.

4. Learned Counsel for the applicant further submitted that the learned trial Court has not appreciated the evidence in proper perspective and also pointed out from the impugned judgment that he has many arguable points in the present appeal. However, the punishment imposed is of a limited period and in the meanwhile, if sentence is executed the appeal will become infructuous.

5. Learned APP strongly opposed the said application on the ground that appeal is devoid of merits and therefore, the application deserves to be rejected.

6. After hearing the learned Counsel for the applicant and learned APP for the State, perused the impugned judgment as well as the record it reveals that the applicant has arguable points in the present appeal. The punishment imposed is also of a limited period. Considering that if the sentence is executed, the appeal will become infructuous, the application deserves to be allowed. Accordingly, I proceed to pass following order:

(i) The execution of the sentence passed in Special Case (POCSO) No.51/2020 is hereby suspended till disposal of the appeal.

(ii) The applicant **Vitthal s/o Bhagwat Shinde** 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. Criminal application is disposed of.

CRIMINAL APPEAL NO.315 OF 2024

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

(URMILA JOSHI-PHALKE, J.)