



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

CRIMINAL APPLICATION (APPA) NO. 611 OF 2024
IN
CRIMINAL APPEAL NO. 338 OF 2024

Yogesh @ Guddu Vitthal Sidam Vs 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. D.P. Mankar, counsel for the applicant.

Ms. Soniya Thakur, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 03/07/2024.

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 applicant was prosecuted of the offence punishable under Sections 452, 354, 506 of the Indian Penal Code, 1860 and under Section 8 of the Protection of Children from Sexual Offences Act, 2012.
4. Learned counsel for the applicant submitted that punishment imposed is of limited period. Moreover, the applicant take its own time for its final decision. In the meantime, if the sentence is executed, the appeal become infructuous. In view of that, he prayed for execution of sentence and releasing the applicant on bail.

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

6. Having heard learned counsel for the applicant and learned APP for the State, perused the impugned judgment. From which, it reveals that the applicant has many arguable points in the present appeal. Moreover, punishment imposed is of a limited period, if the sentence is executed, then purpose of preferring the appeal would become infructuous. In view of that, application deserves to be allowed. Accordingly, I proceed to pass the following order:

ORDER

- (i) The application (APPA) No. 611/2024 is allowed.
- (ii) The execution of the sentence in Sessions Case No. 08/2018 is hereby suspended till disposal of the appeal.
- (iii) The applicant be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

CRIMINAL APPEAL NO. 338 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.]