



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

CRIMINAL APPLICATION NO.691 OF 2024

IN

CRIMINAL APPEAL NO.390 OF 2024

(Rushikesh @ Monya Padmakar Telgote Vs. The 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. R.P. Kothari, Advocate for the appellant.
Mr. M.J. Khan, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JULY 26, 2024.

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

2. The appellant was prosecuted of the offence punishable under Sections 354 and 354-C of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.25,000/- in default he shall suffer rigorous imprisonment for three months.

3. Learned Counsel for the appellants submitted that the learned trial Court has not appreciated the evidence in proper perspective. He pointed out from the impugned judgement that he has many arguable points in the present appeal. Moreover, the punishment imposed is of a limited period, if sentence is executed then the appeal will become infructuous. In view of that, he prays for suspension of sentence and releasing the appellant on bail.

4. Learned Additional Public Prosecutor strongly opposed the application on the ground that the appeal itself is devoid of merits and liable to be dismissed.

5. I have heard learned Counsel for both the parties and perused the impugned judgement from which the learned Counsel for the appellant has pointed out that he has many arguable points in the present appeal and there are every chance of success. However, the appeal would take its own time for its final decision, moreover the punishment imposed is for a limited period. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order :

(i) The application is allowed.

(ii) The execution of the sentence vide order dated 06/07/2024 passed by the Judge, Special Court, Akot in Special Case No.20/2019 is hereby suspended till final disposal of the appeal.

(iii) The appellant - Rushikesh @ Monya Padmakar Telgote be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty five thousand) with one surety, in the like amount.

6. The application stands disposed of.

CRIMINAL APPEAL NO.390 OF 2024

Heard.

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

(URMILA JOSHI-PHALKE, J.)

**Divya*