



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

CRIMINAL APPLICATION (APPA) NO. 783 OF 2024
IN
CRIMINAL APPEAL NO. 440 OF 2024

Manish Diliprao Bhujade 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. A.S. Shukla, counsel for applicant/appellant.
Mr. S.S. Hulke, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 22/08/2024.

1. Heard.
2. By this application, the applicant is seeking suspension of sentence and releasing him on bail.
3. Learned counsel for the applicant submitted that applicant has prosecuted for the offence punishable under Sections 354 D(1)(i) and 354D(2) and Section 354A 1(iv) of India Penal Code, 1860. The applicant has held guilty by the Special Court and sentenced to suffer rigorous imprisonment of six months and fine of Rs.5000/- in default, simple imprisonment for eight days of the offence punishable under Sections 12 of the Protection Of Children from Sexual Offences Act (POCSO), 2012. He submitted that the learned trial Court has not considered the evidence and wrongly convicted the present appellant. The appellant has many arguable points in the present appeal, but the appeal would

take its own time for its final disposal. In the meanwhile, if the sentence is executed, the appeal would become infructuous.

4. Learned APP strongly opposed the said application and submitted that the appeal itself is devoid of merits and therefore, the application deserves to be rejected.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the impugned judgment, from which the learned counsel has pointed out that he has many argument points. Admittedly, the appeal would take its own time for its final disposal. Moreover, the punishment imposed is a limited period. In view of that, the appellant has made out a case for grant of suspension of sentence and releasing him on bail. Accordingly, I proceed to pass the following order :

- (i) The application is allowed.
- (ii) The execution of the sentence passed in Special (Child Act) Case No. 90/2019 passed by learned Special Judge, Wardha is hereby suspended till disposal of the appeal.
- (iii) The applicant shall be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iv) The application stands disposed of.

CRIMINAL APPEAL STAMP NO. 6763 OF 2024

Heard.

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

[URMILA JOSHI-PHALKE, J.]