



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

CRIMINAL APPLICATION NO.763 OF 2024

IN

CRIMINAL APPEAL NO.433 OF 2024

(Dr. Nigel s/o Sailesh Varghese Vs. State of Maharashtra and ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.V. Manohar, Sr. Advocate a/b Mr. A.S. Manohar, Advocate for
the appellant.
Ms S. Dhote, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- AUGUST 14, 2024.

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

2. Heard learned Senior Counsel for the
appellant who submitted that the entire prosecution case
is based on the allegation that the uncomfortable touch
was there by the appellant while examining the child
during the school check-up camp. He submitted and
pointed out from the impugned judgment that he has
many arguable points in the present appeal however, it
would take its own time for its final disposal. In the
meantime, if sentence is executed the filing of the appeal
would frustrate. In view of that, he prays for suspension of
sentence. Moreover, he submitted that the punishment
imposed is for a limited period.

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

4. I have heard learned Senior Counsel and learned APP and perused the impugned judgement from which the learned Senior Counsel for the appellant has pointed out that he has many arguable points in the present appeal and there is 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 03/08/2024 passed by the Extra Joint District Judge and A.S.J. (Special Judge, POCSO Court), Nagpur in Special Case No.194/2023 is hereby suspended till final disposal of the appeal.

(iii) The appellant - Dr. Nigel s/o Sailesh Varghese 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.

5. The application stands disposed of.

CRIMINAL APPEAL NO.433 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*