



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

CRIMINAL APPLICATION (APPA) NO.809 OF 2024
IN
CRIMINAL APPEAL NO.460 OF 2024

Ravindra @ Ravi Shyamrao Ahir and others

Vs.

State of Maharashtra, Through Police Station Officer, Sonala,
District Buldhana

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

Court's or Judge's orders

Mr. S. I. Ghatte, Counsel for applicants.
Mr. K. R. Lule, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27/08/2024

1. By this application, the applicants are seeking suspension of sentence and releasing them on bail.

2. The learned Counsel for the applicants submitted that the applicants were prosecuted for the offences punishable under Sections 354, 354-A, 354-D and 506 read with Section 34 of the Indian Penal Code, under Section 8 of the Protection of Children from Sexual Offences Act and under Section 3(1)(w)(i)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. After recording the evidence and after hearing both the sides, the accused No.1 is convicted for the offences punishable under Sections 354, 354-A, 354-D and 506 of the Indian Penal Code and

under Section 8 of the Protection of Children from Sexual Offences Act. The accused Nos.2 and 3 are convicted for the offences punishable under Sections 354-D and 506 read with Section 34 of the Indian Penal Code. The maximum punishment imposed on the accused No.1 is of three years and accused Nos.2 and 3 is of six months.

4. Learned Counsel for the applicants submitted that the learned trial Court has not appreciated the evidence in proper perspective and pointed out that he has many arguable points in the present appeal. Moreover, the punishment imposed is of a limited period. In view of that, the sentence be suspended otherwise the purpose of preferring the appeal would frustrate.

5. Learned APP strongly opposed the said application on the ground that the applicants have not made out a case for suspension of sentence and prayed for rejection of the application.

6. After hearing the learned Counsel for the applicant and learned APP for the State, perused the impugned judgment, from which it reveals that the maximum punishment imposed on the accused No.1 is of three years and accused Nos.2 and 3 of six months. Thus, limited period punishment is imposed. The appeal would take its own time for its final disposal. In the meantime, if sentence is executed, admittedly the purpose of preferring the appeal

would frustrate. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The Criminal application is allowed.
 - (ii) The execution of the sentence imposed in Special Case Child Prot. No.40/2018 is suspended, till disposal of the appeal.
 - (iii) The applicant **No.(1) Ravindra @ Ravi Shyamrao Ahir, No.(2) Vishal Ananda Dhundale and No.(3) Sanjay Mannan @ Manohar Ingale** shall be released on bail on executing PR Bond in the sum of Rs.25,000/- each with one solvent surety of the like amount.
7. The application is disposed.

CRIMINAL APPEAL NO.460 OF 2024

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

(URMILA JOSHI-PHALKE, J.)