



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

CRIMINAL APPLICATION (APPA) NO. 856 OF 2024
IN
CRIMINAL APPEAL NO.495 OF 2024

Akash Lataru Bawane

Vs.

State of Maharashtra, Through Police Station Officer, Sawangi (Meghe),
Wardha, District Wardha

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

Court's or Judge's orders

Ms. Naina Dhote, Counsel h/f Mr. M. V. Rai, Counsel for the appellant.
Mr. S. S. Hulke, APP for respondent /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 12/09/2024

1. By this application, the appellant is seeking suspension of sentence and releasing him on bail.
2. The appellant was prosecuted for the offence punishable under Sections 354, 354-A(1)(i), 354-D(1)(i) and 323 of the Indian Penal Code and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act.
3. After recording the evidence and after hearing both the sides the learned Special Court held the accused/appellant guilty of the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act and sentenced to suffer rigorous imprisonment of three years and fine of Rs.2000/-.

The appellant further convicted for the offence punishable under Section 12 of the Protection of Children from Sexual Offence Act and sentenced to undergo rigorous imprisonment for a period of three years and fine of Rs.2000/-. The appellant is further convicted for the offence punishable under Section 323 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for one year and fine of Rs.1000/-.

4. Learned Counsel for the appellant submitted that the appeal would take its own time for its final disposal. In the meantime, if the sentence is executed then the purpose of preferring the appeal would frustrate. Moreover, the punishment imposed is of a limited period. In view of that, the sentence be suspended.

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

6. After hearing the learned Counsel for the appellant and learned APP for the State, perused the impugned judgment from which the learned Counsel for the appellant has pointed out that she has many arguable points in the present appeal. Moreover, the punishment imposed is of a limited period and the

appeal would take its own time for its final disposal. In the meantime, if sentence is executed the purpose of preferring the appeal would frustrate. In view of that, the application is allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The execution of sentence passed in Special (POCSO) Case No.107/2021 is suspended, till disposal of the appeal.
- (iii) The appellant **Akash Lataru Bawane** shall be released on bail on executing PR Bond of Rs.25,000/- with one solvent surety in the like amount.

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- 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.)